

Hegel's Theory of Responsibility

Mark Alznauer



HEGEL'S THEORY OF RESPONSIBILITY

A crucial aspect of Hegel's practical philosophy is his theory of responsibility. This theory is both original and radical in its emphasis on the role and importance of social and historical conditions as a context for our actions. But even those who agree that there is something valuable in Hegel's emphasis on sociality are not in agreement about what that something is or about how Hegel argues for it. Mark Alznauer offers the first book-length account of the structure of the theory and its place within Hegel's thought as a whole. The reader is carefully walked through the psychological, social, and historical aspects of responsibility in Hegel's texts. The book demonstrates that attention to the concept of responsibility reveals the true nature of Hegel's controversial claims about the inherent sociality of human action.

MARK ALZNAUER is Assistant Professor of Philosophy at Northwestern University, Illinois.

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Abbreviations

Hegel

- A* *Ästhetik*, 2 vols. Berlin and Weimar: Aufbau-Verlag, 1965 (cited by volume).
- EL* *The Encyclopaedia Logic*, trans. T. F. Garaets, W. A. Suchting, and H. S. Harris. Indianapolis, IN: Hackett, 1991.
- GPR* *Grundlinien der Philosophie des Rechts*. Hamburg: Felix Meiner, 1995.
- GW* *Gesammelte Werke*, Deutschen Forschungsgemeinschaft an die Akademie übergeben worden, 22 vols. Hamburg: Felix Meiner, 1968– (cited by volume).
- HA* *Hegel's Aesthetics*, trans. T. M. Knox. Oxford University Press, 1975.
- HL* *Hegel: The Letters*, trans. C. Butler and C. Seiler. Bloomington, IN: Indiana University Press, 1985.
- LHP* *Lectures on the History of Philosophy 1825–6*, Volume 1: *Introduction and Oriental Philosophy*, trans. R. F. Brown. Oxford University Press, 2009.
- LNR* *Lectures on Natural Right and Political Science: The First Philosophy of Right*, trans. J. M. Stewart and P. C. Hodgson. Berkeley, CA: University of California Press, 1995.
- LPR* *Lectures on the Philosophy of Religion*, ed. P. C. Hodgson, 3 vols. Oxford University Press, 2007 (cited by volume).
- LPS* *Lectures on the Philosophy of Spirit 1827–28*, trans. R. Williams. New York: Oxford University Press, 2007.
- LPWH* *Lectures on the Philosophy of World History: Introduction*, trans. H. B. Nisbet. Cambridge University Press, 1975.
- NL* *Natural Law: The Scientific Ways of Teaching Natural Law, its Place in Moral Philosophy, and its Relation to the Positive Sciences of Law*, trans. T. M. Knox. Philadelphia, PA: University of Pennsylvania Press, 1975.

- PH *Lectures on the Philosophy of World History*, Volume 1: *Manuscripts of the Introduction and the Lectures of 1822–3*, ed. R. F. Brown and P. C. Hodgson. New York: Oxford University Press, 2011.
- PM *Hegel's Philosophy of Mind*, trans. A. V. Miller. Oxford University Press, 1971.
- PN *Hegel's Philosophy of Nature*, trans. A. V. Miller. Oxford University Press, 1970.
- PP *The Philosophical Propaedeutic*, trans. A. V. Miller. Oxford: Blackwell, 1986.
- PR *Elements of the Philosophy of Right*, trans. H. B. Nisbet. Cambridge University Press, 1996.
- PRW *Die Philosophie des Rechts: d. Mitschr. Wanneman (Heidelberg 1817/18) u. Homeyer (Berlin 1818/19)*. Stuttgart: Klett Cotta, 1983.
- PS *Phenomenology of Spirit*, trans. A. V. Miller. Oxford University Press, 1977.
- SL *The Science of Logic*, trans. G. di Giovanni. Cambridge University Press, 2010.
- TWA *Werke: Theorie-Werkausgabe*, ed. E. Moldenhauer and K. M. Michel, 21 vols. Frankfurt am Main: Suhrkamp, 1969–79 (cited by volume).
- VG *Die Vernunft in der Geschichte*. Hamburg: Felix Meiner, 1955.
- VGP *Vorlesungen über die Geschichte der Philosophie*, Teil 1: *Einleitung in die Geschichte der Philosophie; Orientalische Philosophie*, ed. P. Garniron and W. Jaeschke. Hamburg: Felix Meiner, 1994; Vol. 6 of *Vorlesungen: Ausgewählte Nachschriften und Manuskripte*, 17 vols. to date. Hamburg: Felix Meiner, 1983–.
- VNS *Vorlesungen über Naturrecht und Staatswissenschaft: Heidelberg 1817/18; Mit Nachträgen aus der Vorlesung 1818/19*, ed. C. Becker et al. Hamburg: Felix Meiner, 1983; Vol. 1 of *Vorlesungen: Ausgewählte Nachschriften und Manuskripte*.
- VPG *Vorlesungen über die Philosophie des Geistes: Berlin 1827/28*. Hamburg: Felix Meiner, 1994; Vol. 13 of *Vorlesungen: Ausgewählte Nachschriften und Manuskripte*.
- VPR *Vorlesungen über die Philosophie der Religion*, Teil 3: *Die vollendete Religion*, ed. Walter Jaeschke. Hamburg: Felix Meiner, 1984; Vol. 5 of *Vorlesungen: Ausgewählte Nachschriften und Manuskripte*.

VPW *Vorlesungen über die Philosophie der Weltgeschichte, Berlin 1822/23*, ed. K. Griesheim. Hamburg: Felix Meiner, 1996; Vol. 12 of *Vorlesungen: Ausgewählte Nachschriften und Manuskripte*.

Kant

CPR *The Critique of Pure Reason*, trans. A. Wood. Cambridge University Press, 1997.

G *Groundwork of the Metaphysics of Morals*, trans. M. Gregor. Cambridge University Press, 1997.

MM *The Metaphysics of Morals*, trans. M. Gregor. Cambridge University Press, 1996.

R *Metaphysische Anfangsgründe der Rechtslehre*. Königsberg: F. Nicolovius, 1797.

Acknowledgments

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Introduction

This is the hallmark of the high and absolute destiny of human beings, that they know what good and evil are, and know that the will itself is either good or evil – in a word, they can have responsibility [*er Schuld haben kann*], responsibility not only for evil but also for good; responsibility not simply for this or that or for everything that is around them or in them, but also responsibility for the good or evil that are inherent in their individual freedom. Only the animal is truly innocent [*wahrhaft unschuldig*]. But to prevent or remove all of the misunderstandings to which this claim usually gives rise (for example, the concern that by understanding innocence as complete unconsciousness of evil we are thereby debasing or devaluing it) would require an extensive discussion, a discussion no less extensive than a complete treatise on freedom itself.¹

In the above passage, Hegel declares responsibility (*Schuld*) to be the defining characteristic of humanity but acknowledges that there are certain misunderstandings his theory of responsibility is prone to create. This book is intended to provide just that “extensive discussion” of the topic that is needed to remove those potential confusions. There are two primary sets of questions about responsibility that I aim to address in the following. The first concerns the *state* of being responsible: What does it mean to be responsible for something? When can we be held responsible for what we do? What are the various senses of responsibility and how are they related? The second set of questions concerns the *status* of responsible agency for Hegel: Who is responsible? Why are they responsible? Under what circumstances are they responsible?

It will quickly become apparent that Hegel’s answers to these perennial questions are intimately related to the most philosophically interesting and distinctive aspects of his project. With regard to the state or condition of being responsible, it is standard to distinguish between our causal

¹ *PH*, 97–98; *TWA* 12:50–51 (translation modified).

responsibility for the external consequences of our actions, and our moral responsibility for those aspects of what we did which we were subjectively aware of (or at least should have been aware of). But Hegel appears to deny the validity of this common distinction, insisting that once action is placed within the horizon of a given ethical community, it becomes clear that there is no opposition between our inner intention and the outer deed. Even when well-meant intentions come to nothing, he says, this “essential unity of inward and outward holds good; and hence it must be said that a person is what he does” (*EL* §140 A). With claims like these, Hegel seems to be deliberately courting paradox: claiming *both* that someone can only be responsible for what they intended, *and* that agents are fully responsible for everything that they do, even consequences they could not have foreseen.

Similar paradoxes are presented by his claims about the status of being responsible. There is already a hint of this in the above claim that responsibility is humanity’s *Bestimmung* or “destiny” – a word pregnant with ambiguity. By saying that responsibility is our *Bestimmung*, Hegel is indicating that it is both what makes us human, and yet a vocation we are called to realize; it is both our essential nature and also a social and historical achievement. The deepest puzzle about Hegel’s understanding about the status of responsibility is figuring out how it could be both of these at once, both an individually owned natural capacity and yet something constituted by social recognition, something that would be impossible outside a certain “pattern of reconciliation” as he puts it in one place.²

As this brief overview already indicates, what is most original and philosophically radical about Hegel’s theory of responsibility is the role that social and historical conditions are supposed to play in it. Hegel not only wants to claim that what we are responsible for can only be determined by placing our actions within a certain social and historical context, but that our very status as responsible agents depends on being in the right context. (We will see that these are inter-related claims.) Hegel’s general concern to re-inscribe human action within a social, historical, and institutional framework has, of course, not gone unremarked – far from it. Among critics of Hegel, there is a longstanding worry that his approach to practical philosophy ends up conflating normative issues with sociological ones, failing to distinguish, for example, between what we ought to recognize as right and what some people, in fact, do recognize as right.

² *LPR* 3:204; *VPR* 3:137.

Even those who find something valuable in Hegel's emphasis on sociality have not agreed on what that something is. In recent accounts, Hegel's commitment to the inherent sociality of human life has been defended as an obvious truth, interpreted as implying some sort of radical social constructivism, and creatively reconstructed in light of current theories of social psychology. Though there is much to be learned from these various ways of reading or re-inventing Hegel, I think they all have serious drawbacks. This book aspires to provide an interpretation of the role sociality plays in Hegel's theory of responsibility that lacks these defects: one that is simultaneously non-trivial, philosophically defensible, and exegetically sound.

Although Hegel's theory of responsibility has not been the subject of much critical discussion, a complete treatise on the topic, despite Hegel's words to the contrary, might seem unnecessary. The related topics of action and freedom have now been at the center of Hegel research for some time, and have received their own treatises. It might be thought that even if the issue of responsibility has not been explored with the same thoroughness, it has been adequately handled insofar as it touches on these other research areas. And even if it turns out that these other, incidental treatments of responsibility are inadequate, as I think they are, it might seem that the issue is of distinctly secondary interest when compared with these more obviously central topics. It will take the rest of this book to show otherwise, but I hope to take the first few steps in that direction here in the Introduction. I want to identify what Hegel means by responsibility, show how Hegel's claims about responsibility have been distorted by recent treatments of his theory of action and how my book will correct for that, and briefly indicate why responsibility is so important to his practical philosophy as a whole.

The state of responsibility

Since we speak of responsibility in an extraordinarily wide range of different ways, it is necessary to say something about the kind of responsibility that Hegel thinks is characteristic of humanity, and which will be the subject of this book. Although we sometimes say that the hailstorm is responsible for ruining the crop, or that the squirrel is responsible for breaking the vase, and so on, Hegel is clearly using the word in a narrower sense, to pick out a more specific notion. In speaking of *Schuld* in the above passage he is concerned with something like what is now usually termed moral responsibility. This is the sort of responsibility presupposed

by praise (responsibility for good) and blame (responsibility for evil), not the merely causal responsibility involved in the example of the hailstorm, nor the kind you might attribute to non-sapient animals. When Hegel says that only humans can have responsibility, he means that they are the only animals whose actions are open to something like moral evaluation.

By specifying *Schuld* in this way, as openness to moral evaluation for what you do, we are also distinguishing it from the kind of responsibility humans can have for merely instrumental or prudential failures. Agents are often thought to be open to blame, or at least criticism, for failing to take the means to their ends, or for acting in ways that frustrate their overall happiness. We will see that Hegel has a place in his account for these forms of failure, but being open to criticism on these grounds does not imply *Schuld* in the sense he is interested in. When we criticize someone for taking the wrong means to some end, she is only wrong insofar as she actually has the relevant end. If this end is a contingent one, an end she does not necessarily endorse, accepting blame is up to her. She might be willing to take responsibility for some given failure, but she is also free to relinquish the end and thus free herself of any blame. One might call this subjective responsibility, since it is connected to a kind of blame or criticism the agent may choose to accept or reject. What Hegel is primarily interested in, though, is objective responsibility, the kind of openness to blame that is not dependent on the subject's choice to accept it. As has often been pointed out, our ordinary intuitions about moral blame presuppose this stronger sense of responsibility.³ If I blame you for doing something immoral, you are not freed of blame by denying that acting morally was one of your ends; this denial would just put you further in the wrong. This sort of responsibility presupposes that there are some ends that are not contingent on some act of choice, ends that are necessary. For Hegel, as for Kant, the ends of morality have this status

³ It might be thought that there are forms of objective responsibility that have nothing to do with accepting blame at all. If I fail to properly assemble a bookcase because I was neglecting the directions, it would seem that I am responsible for my failure to assemble a stable bookshelf in a sense that I could not reasonably reject, but it might seem unduly moralistic to say that I must accept blame for this failure. Hegel does not explicitly treat cases like these so there is some real ambiguity about how Hegel would analyze them. I think the most promising strategy would be to simply deny that the responsibility at issue here is objective in the relevant sense. Responsibility appears to be objective in cases like these because it is being measured according to shared norms that we knew or could have known were valid in some sphere of activity (e.g., one should always consult directions when assembling bookcases), standards we have no good reason to reject. But for Hegel objectivity is not secured simply by shared standards that we choose to comply with, it requires that our assent to these standards be required by reason. That further criterion is not met here. I want to thank an anonymous reader for drawing my attention to this point.

because they are conditions for the freedom of the agent. To be responsible, according to this generally Kantian line of thought, is to be under the law of freedom; it is to be accountable for acting in ways that are consistent with that law.

Although this gets us closer to Hegel's concept of *Schuld*, anyone who has spent some time with the *Philosophy of Right* will feel that there is something misleading about identifying Hegel's notion of responsibility with openness to moral evaluation. Morality, after all, is just one of the three spheres of right that Hegel identifies in that work; it is preceded by Abstract Right and followed by Ethical Life. Abstract right is different from morality since it abstracts away from questions of our intentions or motives; we are responsible for violating someone else's property rights, for example, even if we did not intend to do so, and even if no moral blame accrues to us. Ethical life is different from morality because it goes beyond our subjective intentions and motives; we are responsible for failing to fulfill our duties even when we were acting in accord with our subjective convictions. For Hegel, then, we are objectively responsible for complying with the norms articulated in *all three* of these spheres of right; we are responsible not just for moral breaches but also for violations of abstract right and for failing to live up to the duties of our ethical station. On Hegel's account, then, moral evaluation proper is only one species of the kind of normative evaluation humans are distinctively open to.

One thing that this means is that responsibility cannot be considered solely a matter of praise and blame. Although speaking about praise and blame is natural when we are talking about failures and successes in the moral sphere, these forms of appraisal sometimes seem awkward or even overextended in the other two spheres. In well-functioning societies we do not usually praise someone for conforming to the law or for getting a job and supporting her family (though both of these, for Hegel, are also required by freedom and so represent ends the agent necessarily wills). Even the idea of blame, which certainly has a role to play in all three spheres, is at times quite inappropriate, as it is in cases of strict liability, cases where someone is answerable for damages without having willed to do anything wrong. So although these moral reactions are included in the phenomenon we are interested in, and are typical of it, it would be misleading to simply identify being responsible with being open to praise and blame.

A second problem with this provisional definition of *Schuld* is that moral evaluation is not even the most important species of normative evaluation for Hegel. The central thesis of the *Philosophy of Right* is that the

spheres of abstract right and morality cannot exist independently (*für sich*), or on their own, since formal right and morality have determinate content only by virtue of their actualization in a given form of ethical life. This implies that the sphere of ethical life is prior to the spheres of abstract right and morality in two senses: a historical sense and a normative one. It is historically prior, because the formation of the ethical sphere is a developmental precondition for the differentiation of the spheres of abstract right and morality. On Hegel's account, you can be responsible in the sense of being open to ethical evaluation without being responsible in the sense of being open to specifically rightful (*rechtlich*) or moral (*moralisch*) evaluation. When he says that the Greeks lacked conscience, for example, he means they did not yet distinguish between what they subjectively took to be right and their conventional, ethical duties.⁴ On Hegel's account, it was after Socrates discovered the conscience that a conflict between moral convictions and ethical obligations became possible. Prior to that point, Greek agents were open to ethical evaluation but not moral evaluation in the proper sense. But the ethical sphere is not left behind when abstract right and morality come into existence; it remains a necessary condition for the existence of legal and moral obligations. It continues to have normative priority since it is the support and foundation of the other two spheres. Abstract right and morality depend on ethical life, because outside of ethical life, he thinks our rights and duties would lack determinacy and validity. It is because of this that ethical evaluation will prove to be of paramount importance in Hegel's theory of responsibility.

This means we need to seriously qualify our initial claim that what it is to be responsible for something is to be open to moral praise and blame for it. What was right about this is that responsibility in Hegel's sense is an objective matter: it is openness to normative evaluation in light of ends the agent cannot reject. What was misleading about this initial way of putting things was that it is oversimplified: Hegel is interested in at least three ways actions can be evaluated, moral evaluation being only one of them and not the most fundamental. We can thus provisionally define being responsible for something as being open to rightful, moral, or ethical evaluation for it, keeping in mind that the last of these will prove the most important for Hegel.

⁴ For a discussion of this, see Moland (2011), pp. 108–09. On Hegel's account, the norms of Abstract Right and Morality are developed in the Roman and Germanic (*Germanisch*) periods respectively. It is thus only in modern states that these three spheres are fully differentiated.

The status of being responsible

The second issue I will focus on concerns the status of being responsible in Hegel: What conditions must be met by an agent in order for her to be open to rightful, moral, or ethical evaluation for what she does? We have already seen Hegel claim that responsibility is characteristic of humanity in particular. Clearly, a hailstorm or a squirrel is not open to this sort of evaluation; the question is, why?

Historically speaking, there are two rival ways of explaining what makes someone an appropriate subject of responsibility ascriptions: consequentialist approaches and merit-based approaches. According to the first, it is appropriate to praise or blame someone, to return to these characteristic examples of objective normative evaluation, if reactions of this kind would lead to some desired modification in the subject's behavior. It is worth noting that Hegel himself justifies blaming small children and the mentally incompetent for their mistakes on just these grounds. They should be praised and blamed, he says, in order to encourage their better sense; this helps them to develop into genuinely responsible agents. In these cases, though, he thinks we are treating individuals *as if* they were responsible agents when in fact they are not yet, or not yet fully responsible. A pedagogical employment of praise and blame is only justified, he thinks, because it helps transform children and the mentally unfit into beings who are appropriate targets of legal, moral, and ethical evaluation in some other, more proper sense.

We can see what it is to be responsible in the proper sense by turning to Hegel's statements about criminality. Hegel frequently claims the criminal does not receive his due of honor as a rational being if he is being punished for the sake of reforming him or even deterring him from committing future crimes. Hegel thinks this would be to treat him as if he were a child or a dangerous animal rather than a rational being. Someone who is genuinely responsible is not just open to praise or blame, he has a *right* to be credited for whatever good he has done and to be regarded as culpable for whatever bad he has done.⁵ And he has that right regardless of whether it would be useful to him, or society in general, to treat him that way. For Hegel, these more utilitarian considerations are simply

⁵ It is certainly a further question as to whether, in the case of some particular wrong, the agent should also be "actively blamed," to use Angela Smith's useful locution (Smith 2007, p. 470). At issue here is only the agent's right to be regarded or judged as responsible in general. There are certainly further conditions that need to be satisfied for active blame.

downstream from the question of desert. Although they might be relevant to determining punishment, they can only be raised once it has been established that someone is in fact responsible. Hegel thus clearly advocates a merit-based view of responsibility.

What we need to know, then, is not what makes humans particularly responsive to praise and blame (the question raised by the utilitarian approach) but rather what makes them truly deserving of praise and blame. For Kant, as for many other historical advocates of merit-based views, the relevant feature is the special kind of control human agents have over their actions: the freedom to have done otherwise. Since this sort of freedom appears incompatible with causal determinism, advocates of control-based approaches immediately face the challenge of showing whether this sort of freedom is even possible. And, of course, a wide range of philosophic strategies have been deployed to meet this challenge. It is telling, however, that Hegel has almost nothing to say about the traditional free-will problem in his philosophy of spirit. The only explicit mention of determinism in the *Philosophy of Right*, for example, is in a remark appended to §15. There he says that the very question of whether freedom is opposed to determinism is generated by an inadequate notion of freedom as arbitrariness, and he suggests that his own, expressive notion of freedom as being-with-yourself is simply not vulnerable to this objection.

The significance of Hegel's refusal to address the free-will problem in the *Philosophy of Right* has been subject to a great deal of debate lately.⁶ Some have claimed that Hegel's notion of freedom allows him to simply sidestep the traditional free-will problem in a basically compatibilist fashion, whereas others have claimed that he must be committed to some specific account of agent-causation that he provides elsewhere. Both sides of the debate agree that Hegel thinks specifically mechanistic causal explanations hold good in their own sphere but are inappropriate for spiritual phenomena, and that Hegel's full account of the inadequacy of mechanism is in the *Logic*, not in his practical philosophy. The real bone of contention, I think, concerns whether Hegel thinks responsibility for our actions is especially threatened by the availability of mechanistic explanations, threatened in a different way than, say, teleological judgments about plant and animal life, or accounts of thinking itself, all of

⁶ A classic treatment is Wolff (1992). Discussions of this issue can also be found in Hoffman (1982), Taylor (1985a), Quante (1993), Stekler-Weithofer (2005), Wallace (2005), Pippin (2008), Knowles (2010), and Kreines (2013). Yeomans (2011) certainly offers the most impressive and detailed treatment of this issue in the literature.

which Hegel also thinks cannot be captured in merely mechanistic categories. If you think action is *not* especially threatened, then Hegel can avoid the traditional free-will debate in the *Philosophy of Right* because action is no more problematic than any of these other categories.⁷ So long as he can show the inadequacy of mechanism as an absolute category in the *Logic*, he will not need to come back to the topic in his philosophy of spirit. But if you think that responsibility for our actions *is* especially threatened, say, because it presupposes the principle of alternate possibilities,⁸ or because an action cannot be said to express my reasons unless the latter truly cause the former,⁹ then we need to provide a more specific account of the productivity of action in order to complete Hegel's account of responsibility. On this assumption, Hegel needs to revisit the issue, and since he does not actually do this in the *Philosophy of Right*, we need to reconstruct his answer to the free-will problem in light of what he says in the *Logic* or elsewhere in the system.

It has become increasingly clear that these questions about how action fits into the causal order for Hegel cannot be resolved without a full interpretation of the relevant sections of his *Logic*. But for our purposes here, the issue can be bracketed, since the question of whether Hegel's account of responsibility presupposes some special kind of productivity or not cannot be answered until we have a clear idea of what he thinks responsibility requires. At the very least, we can say that it is not immediately obvious that Hegel's concept of responsibility will raise these problems, for Hegel claims what makes humans responsible is not that they have a special kind of control over what they do, but that they have a certain kind of knowledge of it. For Hegel, I do not merit responsibility for my actions because I brought them about in some unique way (though I certainly have to have caused them in a forensic sense, as we will see) but because I can see them as expressive of my subjective will. The human capacity that Hegel treats as crucial to responsibility ascriptions is thus not a causal power but a cognitive one: the capacity to "be with yourself" in your activity. He treats this as a kind of agent's knowledge, an ability to know the reasons for which you are acting. To be responsible for an action, the agent must know not just why she is acting, but whether the action she is willing is right or wrong, moral or immoral, ethical or unethical.

⁷ Pippin (2008), pp. 15–16.

⁸ Yeomans (2011). Yeomans argues that Hegel endorses the principle of alternate possibilities in *PR* §6, and that, in light of this, the rest of Hegel's Introduction can be viewed as addressing the free-will problem.

⁹ Knowles (2010).

In his lectures on religion, Hegel often clothes this point in imagery drawn from the opening chapters of Genesis: he says man is responsible because he has eaten of the tree of good and evil and has come to know that his will is either good or evil.¹⁰

So, on Hegel's account, someone counts as a responsible agent only if she *deserves* to be held accountable for what she does, and she deserves this insofar as she *knows* her actions to be expressions of the good or bad reasons she had for acting. Having located Hegel's account with respect to other possible approaches to the conditions of responsible agency, we can now point to what is most striking and most interesting about his theory. This is his claim that it is not enough to have the relevant cognitive capacities in order to be accounted responsible; in addition to this, the relevant capacities must be actualized. By this, we will see he means two things. First, he thinks the agent must have achieved a certain specific self-conception: she must know herself to be essentially free, to be the sort of being that is incapable of slavery. Second, since it is impossible to arrive at this self-conception by oneself, he thinks an agent must be recognized as free. If these two conditions do not obtain, he thinks the agent cannot know herself as a person who is under the authority of right, and so fails to satisfy the cognitive condition on responsible agency. By making these stipulations, Hegel makes *being regarded as a responsible agent* a necessary part of what it is to *be such an agent*. It is this social dimension of Hegel's theory of responsibility, of course, that raises the most problems. It is common to worry that accounts like these get the cart before the horse: why would we recognize or regard someone as a responsible agent but for the fact that they are, in fact, responsible? And if someone is already responsible in some sense, what does recognition add? Addressing these worries is one of the major tasks of this book.

Responsibility and action

Now that I have said a little about what Hegel means by responsibility, and what it means to be a responsible agent, it might appear that questions concerning action are more fundamental than questions concerning responsibility. It looks like we need to determine whether something is an action at all before we attempt to ascertain whether or to what extent we are responsible for it; and we need to figure out what is involved in agency prior to moving on to the presumably more complicated case of

¹⁰ LPR 3:300–02.

responsible agency. As we will see, much of the recent interest in Hegel's philosophy of action is driven by the intuition that it is both foundational in this way and the true source of Hegel's most distinctive commitments in practical philosophy. Given this view of the matter, it is perhaps unsurprising that his theory of responsibility has been comparatively neglected, since on this common view responsible action is only a species of action as such, even if it is the one with the most practical relevance.

I hope to show, however, that Hegel's theory of action cannot be understood as the independent foundation of his theory of responsibility. Insofar as existing interpretations of Hegel's philosophy of action have attempted to do this, they have been guaranteed to miscarry. This is so not because Hegel's philosophy of action is unimportant but because deeds (*Taten*) and actions (*Handlungen*) are nothing other than those external existences for which we are responsible.¹¹ Responsible agency, then, should not be understood as a species of agency, one among several, but as agency itself. At first glance, it might seem arbitrary for Hegel to stipulate this connection between action and responsibility. We have come to treat action as a wider category, one that even applies to the strategic behavior of a spider, but historically speaking, it is common to reserve certain action terms for the behavior of persons insofar as they are capable of normative evaluation. When Aristotle denies that slaves are capable of *praxis*, to use a very relevant example, he is clearly doing just that. Kant's notion of a deed (*Tat*) also has a similarly restricted scope: it is the action insofar as "it comes under obligatory laws and insofar as the subject, in doing it, is considered in terms of the freedom of his choice."¹²

To some degree, of course, this is just a terminological matter. Accepting that Hegel defines action by way of responsibility does not force us to deny what is at any rate obvious: that there are more primitive forms of practical activity that do not amount to action in this robust sense. And if that is so, then action proper should still be understood as a single species of some wider genus of practical activity, whatever we might choose to call that genus. Indeed, I will argue that Hegel treats deed (*Tat*) and action (*Handlung*) as the characteristic products of a very specific form of the will. Whereas all practical activity guided by a conscious end falls under the genus of willing, only activity guided by ends that can be objectively evaluated counts as action or deed in the precise sense.

¹¹ See *PR* §§115 and 117. I will spend some time trying to explore the difference between deed and action in [Chapter 4](#). Here they can be taken to be equivalent terms.

¹² *MM* 6:223.

This might appear to be rather meager progress: a mere exchange of an understanding of responsible action as a species of action for an understanding of action proper as a species of willing. I hope to show, however, that making these terminological modifications will put us in place to see aspects of Hegel's philosophy of action that have been distorted or have gone entirely unrecognized up to now. In particular, I argue this lack of clarity about his terminology has obscured the meaning of two of his most original and striking theses: his claims that action and agency are intrinsically social phenomena. The problem is that if action is interpreted as mere willing – behavior guided by conscious ends – Hegel's claims about the intrinsic sociality of action are bound to look either very implausible or extraordinarily overblown. It certainly does not appear that Robinson Crusoe's ability to successfully pick up a stick on the beach requires that his intention to do so be attributed to him by others. And if we try to make Hegel's social dependency claims more plausible either by pointing out that Mr. Crusoe only learned to think in these categories through a complex process of socialization prior to being shipwrecked, or by insisting that his successfully picking up the stick at least requires the bare possibility of being assessed by another person, then we appear to be retreating from a quite implausible version of the social dependency thesis to an all too plausible, but utterly trivial one.

But if we understand action differently, as a concept restricted to those acts for which we can be held responsible, then a quite intelligible, though still interesting and controversial, connection to sociality comes into view. For if actions imply responsibility, in the sense of openness to objective evaluation, then the very existence of actions will depend on the establishment of some normative framework within which we can be evaluated for what we do. If that framework has social preconditions, then so will action itself. To say that Robinson Crusoe was incapable of action, on this view, is not to deny that he could successfully act on an intention, but only to insist that the rightfulness and wrongfulness of what he did on the island was in some important sense indeterminate. It is to say that what he did could not be properly evaluated in the context in which he found himself; he could not be blamed for something in a way he could not simply evade by simply changing his ends. This sort of claim about the normative indeterminacy of the state of nature has a clear lineage in the social contract tradition (one thinks, for example, of Hobbes's claim that in the state of nature there is no justice or injustice) and, as we will see, it is also much more firmly supported in Hegel's texts. Recognizing the conceptual connection between action and responsibility thus provides us with

an alternative, more promising way to develop Hegel's well-known claims about the intrinsic sociality of action, its "essential relation to the will of others" (*PR* §113). This apparently small change will allow us to completely rethink the role of action in Hegel's practical philosophy.

The dialectic up to now

None of this is meant to deny that there is much of continuing value in existing work on Hegel's philosophy of action. Though I have learned from many sources, there are three studies on this topic that I have found particularly insightful, even despite their collective neglect of those terminological distinctions that I will be claiming are crucial for a proper understanding of Hegel's reflections of action. Given the influence of these studies on current interpretations of Hegel's philosophy of action, including my own, it will be helpful to briefly situate the reading I will be defending in relation to these more familiar accounts, noting both points of continuity and discontinuity. In each case, I will attempt to show what I have borrowed from these readings while at the same time bringing out in more detail how the neglect of Hegel's concept of responsibility has given rise to real difficulties in making sense of Hegel's claims about the sociality of action.

Charles Taylor's enormously influential 1981 essay "Hegel's philosophy of mind" marks the first attempt to bring Hegel's philosophy into relation with contemporary, post-Wittgensteinian debates about the nature of action.¹³ Taylor's ultimate ambition in this essay is to show that Hegel's entire philosophy of spirit can be reconstructed from the point of view of his philosophy of action, but he sets up his argument by making a narrower point about the historical place of Hegel's philosophy of action, one quite relevant to my concerns here. Taylor frames his entire discussion with a sketch of two families of views about what distinguishes action from events in modern philosophy. According to the first, which Taylor associates with Donald Davidson and traces back to the empiricist tradition, actions are distinguished by having a particular type of psychological cause: they are caused by a combination of desire and intention. According to the second view, which he attributes to Hegel and the expressivist tradition, actions are qualitatively different from events because action is intrinsically directed. Since intentions, on this view, cannot be understood as separate from the actions they animate, they cannot be said to cause

¹³ Taylor (1985a).

them. Indeed, on this view, intentions only come to be determinate and known through the process of trying to express them in action. Taylor's account thus depicts Hegel's philosophy of action as marking an important alternative to more historically dominant causal accounts, one that has the merit (Taylor thinks) of refraining from the misguided attempt to "go beyond the subjective standpoint of the agent, and come to an understanding of [action] which is objective."¹⁴

Taylor's general emphasis on the expressive character of Hegel's theory of action continues to influence current work on this topic, although, as we have already seen, whether this excludes a causal account of action is still debated.¹⁵ Leaving issues of causation aside, though, there are two further aspects of Taylor's interpretation that are worth underlining, as they will play a large role in my own account. First, Taylor notes that human activity, for Hegel, is partly constituted by the knowledge we have of what we are doing (this is the "subjective standpoint" mentioned above). It follows that human activity can be qualitatively transformed by the arrival of a new form of reflective consciousness; by understanding ourselves differently, we become different kinds of agents. Second, Taylor rightly emphasizes that this process is supposed to culminate in the achievement of a fully adequate form of reflective consciousness, one that is only possible in certain kinds of community. I will argue that development of responsible agency in Hegel has both of these key features: it is a process by which humans constitute themselves as responsible by arriving at a certain self-conception that is only available in those social communities where free political institutions have been formed (that is, in law-governed states).

Taylor's own account of the process of self-transformation, though, takes place at an extraordinarily high level of abstraction from Hegel's texts. Given his broad aims in the essay, it is perhaps unsurprising that more specific questions about responsibility for what we do, or even about our success in acting in general, are not raised. But the omission of this dimension of Hegel's account leads Taylor to saddle Hegel with an

¹⁴ *Ibid.*, p. 79.

¹⁵ See, e.g., Knowles (2010), pp. 49–50. Andrew Buchwalter offers a more sustained critique of the expressivist reading of Hegel in Buchwalter (2012), chapter 6. I think Buchwalter is right that Hegel's notion of self-realization is not wholly captured with the idea of an externalization or expression in a given medium; in absolute spirit anything external to spirit is supposed to be wholly eliminated. But although it is inadequate for absolute spirit, the expressive relation is quite characteristic, I think, of objective spirit, which depicts the realization of human freedom in "external material" of the social world (*PM* §483). Insofar as we are concerned with action as a category of objective spirit (not with divine action), an expressivist analysis is, I think, perfectly appropriate.

account of why agency depends on sociality that is of only historical interest even by Taylor's own lights. Although we only get a brief sketch of this in the aforementioned essay, Taylor suggests Hegel argues that humans have a natural desire for recognition that they tend to be confused about, and to pursue in self-defeating ways, until they finally arrive in a social context where they can articulate this as a desire for reciprocal recognition. Agency depends on sociality, then, because it is only in a certain social setting that we can come to clarity about our own fundamental desires and our nature as spiritual beings, as vehicles of the cosmic spirit. If this is what Hegel means by asserting the intrinsic sociality of action, then his claims would appear to rest on anthropological and metaphysical claims that are very difficult to redeem, as many critics of Taylor have pointed out. By focusing on responsible action, though, I hope to show we can give an account of Hegel's commitment to the sociality of agency that does not have these vulnerabilities.

Michael Quante's *Hegels Begriff der Handlung* (1993) provides a much more detailed and textually grounded account of Hegel's philosophy of action, one that focuses on Hegel's most explicit discussion of action in his mature system, which is in the Morality section of the *Philosophy of Right*.¹⁶ Quante's book challenges Taylor's way of framing the historical alternatives by arguing that the "two families" Taylor identifies do not really correspond to two irreconcilable approaches to action so much as compatible responses to two different questions: (i) What causes an action? and (ii) When can behavior be attributed to an agent? Quante fully agrees with Taylor that Hegel's discussion of action almost exclusively concerns the second question, and that he has little to say about the causation of actions. But once the difference between these questions is taken into account, Quante thinks it can be shown that Hegel's full theory of action is not only compatible with Davidson's answer to the first question – that an agent's reasons are the cause of her actions – but actually anticipates and agrees with Davidson's answer to the second question – that actions can be attributed to agents only "under the description" with which they were intended.¹⁷ On Quante's interpretation, then, Hegel does not present an

¹⁶ Quante (1993). Quante (2004) is the English translation.

¹⁷ Quante attributes this insight to both Davidson and Anscombe, but the notion of action under a description does not have the same function in Anscombe's work that it has in Davidson's. In fact, Anscombe explicitly rejects the Davidsonian task of "attempting a classification which will divide all events into members and non-members of a class" (Anscombe 2005, p. 209). Quante's application of this notion to distinguish actions from events thus has a primarily Davidsonian pedigree. Charles Taylor is right, I think, to place Anscombe in the rival, expressivist tradition (Taylor 1985a,

alternative to contemporary Davidsonian accounts of action, but a striking prefiguration of just those insights that have most powerfully influenced current debates – indeed, Quante goes on to show that Hegel’s account has the potential to unify many of the disparate insights of post-Davidsonian action theory. This amounts to an almost total reversal of Taylor’s position.

The signal achievement of Quante’s book, I think, is its demonstration that Hegel’s theory of action fully anticipates, and is built upon, a proto-Davidsonian distinction between the event aspect and description aspect of actions. This comes out most clearly in Quante’s treatment of the difference between deed (*Tat*) and action (*Handlung*) in Hegel. Prior to the reception of Quante’s work, deed and action were often interpreted as two different kinds of acts in Hegel: deeds were habitual or unreflective acts and actions were self-conscious or reflective ones.¹⁸ But what Quante clearly shows is that Hegel uses deed and action to represent two different ways of describing the same underlying act-event, not two different kinds of act. The action is the act under the description with which it was intended or known by the agent, whereas the deed is the same act under other descriptions. To illustrate this with Hegel’s favorite example, when Oedipus killed a stranger on the road to Phocis not knowing it was his father, his *action* was merely killing in self-defense even if his *deed* is rightly described as parricide. These terms are to be understood as different ways of looking at the same act: one limited to the subjective standpoint of the agent herself and one that is not. Once one has recognized this, it becomes clear that something could not count as a deed at all unless it was an action under some description and vice versa; deed and action are ontologically coeval.¹⁹

Although I think Quante is right on this decisive point, I think he draws the wrong conclusions from it precisely because he divorces Hegel’s basic concept of action from his theory of responsibility. Quante fully acknowledges that Hegel’s *Tat/Handlung* distinction is initially intended to capture two different descriptions under which we could be held responsible for what we have done: one more appropriate in legal contexts and one which is important for morality. But he thinks that, at a deeper level, the *Tat* is not the “legal” description of the act-event, but is the

pp. 81–83). For a recent attempt to read Hegel’s theory of action in the light of Anscombe’s work (rather than Davidson’s), see Pendlebury (2006).

¹⁸ For an example of this, see Williams (1997), pp. 182–85.

¹⁹ For a contrary view, see Knowles (2010), pp. 56–57, n. 8.

act-event itself. He thinks Hegel was partly confused about this in the *Philosophy of Right*, but that the ambivalence in Hegel's argumentation can be dissolved by careful analysis.²⁰ Once one has separated out the underlying philosophy of action from its mere application to questions of responsibility, Quante thinks we get the following picture. An event counts as an action as long as it was intentional under some description. Hegel's concept of agency is correspondingly thin; all it requires is some consciousness of one's end. This sort of agency, Quante says, "does not go beyond the standpoint of a rational egoist" and so "does not imply the presence of a moral attitude in the agent."²¹ Thus understood, action is only intrinsically social in the fairly anodyne sense that we learn what it is to actualize our own ends through a process of socialization into some community or other.²²

In the following, I hope to show that what Quante here isolates as Hegel's concept of action is actually closer to Hegel's concept of the will. Hegel was not confused about the difference between these concepts; he indicates an awareness of this by treating them in separate sections of his *Philosophy of Spirit*: willing in Subjective Spirit, action in Objective Spirit. Willing is treated in Subjective Spirit because it is a merely psychological category, one that does not presuppose that freedom has achieved an external existence in laws and customs. Action is treated in Objective Spirit because it is an intrinsically normative concept: it presupposes the achievement of some objective normative framework within which agents can be held responsible for what they do. If this is right, then agency in the proper sense *does* go beyond the standpoint of a rational egoist and *does* imply the presence of a moral attitude in the agent. Once this point is registered a much different philosophy of action comes into view. It becomes clear, first, that *Tat* and *Handlung* are nothing other than the same act-event insofar as it is evaluable from the point of view of Abstract Right and Morality, respectively. They mark out two rival ways of specifying what we are responsible for in our activity. The second thing that becomes clear is that this is only part of the story, for different aspects or descriptions of the act-event are also revealed from the further points of view provided by Ethical Life and World History (which play little to no role in Quante's account at all). I will try to show that an adequate account of Hegel's philosophy of action requires bringing all this together into a

²⁰ Quante (2004), pp. 106–07. I provide an extended critique of Quante's interpretation in Alznauer (2013). Some of that argument is reproduced in Chapter 4.

²¹ Quante (2004), pp. 166 and 231. ²² *Ibid.*, p. 88.

single picture. My interpretation brings with it a much stronger sense in which action is intrinsically social than Quante recognizes; it implies that action is impossible prior to the establishment of ethical life since it is only in that context that what we are responsible for can be fully determined.

In *Hegel's Practical Philosophy: Rational Agency as Ethical Life* (2008), Robert Pippin offers a corrective to Quante's inadequate emphasis on the social conditions of agency, but one that takes Hegel's theory in a different direction than I will here.²³ Pippin's book is much too wide-ranging for me to try to summarize all its contents here, but it is predicated on what he calls a "relational state" theory of agency that can be quickly sketched. Genuine agency, on Pippin's interpretation, requires a certain kind of freedom or non-alienation from what one has done. This sort of freedom has two conditions: it requires "a certain self-relation and a certain relation to others; it is constituted by being in a certain self-regarding and a certain mutually recognizing state."²⁴

On the surface, this is very much like the expressive account of agency Taylor defends, but Pippin's version is not motivated by the hermeneutical concerns that drive Taylor's account, like the problem of finding the right social medium in which we can come to clarity about our ultimate motivating considerations. For Pippin, the kind of self-relation we need to establish in our actions is not a kind of emotional or motivational transparency, but a kind of normative ownership. For my behavior to be an action, I need to be able to see it as truly *mine*: as a meaningful and intelligible expression of what I took to be my intentions or reasons to act. An action that is truly mine "shouldn't seem or be alien, as if belonging to or produced by someone or something else or as if fated or coerced or practically unavoidable or so forth."²⁵ But this is only possible, Pippin argues, if others can "ascribe to you both the act-description and the intention you ascribe to yourself."²⁶ Absent the possibility of this sort of social consensus over what was done, the meaning of our actions is inherently indeterminate and contestable, and our very agency is jeopardized. In these circumstances, we cannot successfully do what we set out to do, but end up doing something with a different meaning.

The consequences Pippin draws from this picture are quite radical and far-reaching. On his account, "the successful execution of an intention presumes a social dependence that has objectively come to embody the right relation between [our] dependence and independence [from

²³ Pippin (2008).

²⁴ *Ibid.*, p. 39.

²⁵ *Ibid.*, p. 37.

²⁶ *Ibid.*, p. 150.

society].”²⁷ Agency is something that admits of degrees and it is only fully present when we have arrived at a form of society where there is no endemic or systematic disparity between what I take myself to be doing and what is attributed to me as my act. It follows that full agency is only possible in specifically modern conditions, conditions in which we have fully achieved political and social freedom; Pippin thinks Ancient Greeks, Roman Christians, etc., were agents “only ‘partially’ and in a preliminary sense.”²⁸ World history is the story of the breakdown of practices of action ascription that could not secure this kind of consensus about what was done.

I will follow Pippin in emphasizing the importance of normative ownership, or “mineness,” as a condition on the possibility of agency itself, but I will take ownership to be a matter of having responsibility for what you have done, not a matter of having your intention attributed to you by others. This modification leads to a significantly different picture of the sociality of action. I will argue that for an action to be *mine* in the relevant sense, it is enough that I be free in the sense of being a recognized member of a state; I do not need to be free in the sense of being a recognized member of a fully rational state, one that can secure a justified consensus about the meaning of the action. Once we note that the kind of freedom action presupposes is merely the “consciousness of freedom,” knowing yourself as a rights-bearing person, it will be clear that many pre-modern individuals were free enough to count as agents in the full and complete sense. Such persons were fully responsible for what they did – this despite the fact that they lacked the “concept of freedom,” the basically Christian idea that *all* humans are essentially free, and existed in manifestly irrational states. It follows from the alternative picture I will be defending that one’s responsibility (and one’s status as a responsible agent) can in fact be fully determined from within the horizon of one’s ethical community, regardless of whether that community is rational in the full-blown sense. It also follows that what you are responsible for can be determined without regard to what other agents actually make of it.

In sum, although I will be building upon these three very different studies of Hegel’s philosophy of action, I think they all share a similar defect. In each, Hegel’s concept of action has been distorted precisely because its tight connection to responsibility has been ignored, or bracketed, or viewed as a separate topic. By restoring this connection, I hope to recover the true content of Hegel’s claims about the intrinsic

²⁷ *Ibid.*, p. 161.

²⁸ *Ibid.*, p. 17.

sociality of action – showing that his commitment to the sociality of action is neither trivial nor wildly counter-intuitive.

The argument of this book

The progression of chapters in this book roughly tracks the crucial arguments relating to responsibility and action as they emerge in Hegel's *Philosophy of Spirit*, the third part of his *Encyclopedia of the Philosophic Sciences*. The *Philosophy of Spirit* is itself divided into three sections: Subjective Spirit, Objective Spirit, and Absolute Spirit. Ultimately, I will be arguing that questions about responsibility and action can only be properly treated from the second sphere: Objective Spirit. To treat human action from the point of view of either of the other two spheres is to make a kind of category mistake. The heart of the book (Chapters 2–4) stays within these bounds and is intended to provide my positive account of what responsibility is and what it is to be a responsible agent. But this account is bookended by discussions of aspects of agency that take place more from the lower vantage point of subjective spirit (Chapter 1) and from the higher vantage point of world history (Chapter 5). I do this in order to demarcate the exact limits of Hegel's theory of responsibility within his philosophy of spirit as a whole; to show both why mere willing is not yet responsible action, and why the absolute right of world history transcends the determination of our responsibility for what we have done.

The first chapter concerns Hegel's theory of the will. Hegel's account of the will is clearly structured by one of his deepest (and most obscure) commitments: his actualization thesis. This is a belief that any concept is only understood in its truth when it is understood together with its actualization in existence. In this case, the relevant concept is that of the will, and Hegel's argument is that only the rational will in particular is actually free (*wirklich frei*). This is often taken to be a claim that only the rational will truly satisfies the conditions for being a will. The other shapes of the will he identifies, on this interpretation, are to be understood as false conceptions in the everyday sense: they represent incorrect ways of thinking about what it is to have a will. In this chapter, I provide a new interpretation of Hegel's argument by carefully attending to the role that the actualization thesis plays in it. On the alternative reading I defend, Hegel is making a developmental claim. He is saying that only the rational will has achieved the kind of self-conception that is a necessary prerequisite for free action. The other shapes of the will he considers (the natural and arbitrary wills) are not incorrect conceptions so much as necessary stages in

the development of a will that is conscious of its own freedom. They are certainly false or contradictory conceptions of the will, but only in the specifically Hegelian sense that they are not yet “for themselves” what they already are “in themselves.” I conclude this chapter by showing why arriving at this self-conception of oneself as free is a necessary condition for responsibility.

In the second chapter, the question of the conditions of responsible agency takes center stage. I pursue this question, however, in what might first seem a fairly roundabout manner: by analyzing Hegel’s various discussions of what makes someone or something innocent (*unschuldig*) in the sense that good and evil cannot be imputed to it. This exploration of Hegel’s theory of innocence reveals that, on Hegel’s account, a responsible agent must satisfy three conditions. First, she must have all of the psychological capacities required in order to experience her actions as expressions of her own reasons to act. Second, she must have been brought up in an environment that allows her to arrive at a self-conception of herself as free. Third, and perhaps most surprisingly, she must be a recognized member of a state. This last condition is, of course, the most controversial, both as a philosophic claim about agency and as an interpretation of what Hegel thinks about it. I try to make my interpretation more plausible by showing that Hegel’s argument for the importance of state recognition involves a natural, though quite radical, extension of Kant’s account of the *exeundum e statu naturali*. What Kant argues with regard to property rights – that they lack determinacy and validity in the state of nature – Hegel argues is true of *all* our rights and duties. By broadening Kant’s account in this way, Hegel is able to show why the pre-political condition is necessarily a state of innocence (*Stand der Unschuld*): a condition in which there is nothing to be responsible for and hence no way of being a responsible agent.

In the third chapter, I develop the theory of action that is implicit in the above account of responsible agency. I show that action in the proper sense is more than mere willing (behavior guided by some conscious end), it is willing which is subject to evaluation according to some concept of right that has achieved actuality in existing customs and laws. Hegel’s account, however, is complicated by the fact that he treats of several basic senses in which action could be justified; it can be rightful, moral, ethical, or world-historical. Each of these concepts of right has a special relation to a certain aspect of action. Abstract Right, for example, deals with our actions insofar as they effect the external freedom of others, whereas Morality especially concerns the quality of our inner intentions or dispositions in action. By paying attention to the changing role action plays in the various spheres

of right, I show that the *Philosophy of Right* lays out a complex, four-dimensional model of action. Corresponding to this model of action is a sophisticated hierarchy of justificatory reasons under which action can be evaluated, one that culminates in one sense with ethical justifications, and in another sense with world-historical ones. Ethical considerations are of paramount importance when it comes to determining the individual's own responsibility for what he has done, but World History offers the highest form of justification without qualification, one that pertains not to the individual but, strangely enough, only to his actions.

The fourth and fifth chapters are focused on these two forms of paramouncy. In [Chapter 4](#), I show that Hegel's argument for the primacy of ethical considerations over mere considerations of Abstract Right or Morality is rooted in his inner–outer identity thesis. With regard to action, Hegel famously asserts that the way a man is externally in his deeds is necessarily the way he is internally in his intentions, and vice versa. Any adequate account of Hegel's theory of responsible action thus faces two seemingly incompatible tasks: it must both distinguish between the inner and outer aspects of action and show why they must be ultimately reconceptualized as identical, as two inseparable moments within a single underlying unity. In this chapter, I show that the outer and inner sides of action correspond to the external and internal requirements that actions must meet for agents to be assessed from the point of view of Abstract Right or Morality, respectively. Abstract Right requires that we be responsible for any violation of the rights of others. Morality requires that we accept responsibility only for wrongs we knowingly and willingly committed. I then show why Hegel thinks these requirements contradict each other by examining how three internal conditions Hegel has placed on responsible action can lead to various sorts of conflict with the external assessment of our deed. In each case, I show how Hegel dissolves the contradiction by re-interpreting both the “inner” and “outer” sides of the action such that they are simply two perspectives on the same ethical content. This amounts to a deduction of the primacy of ethical considerations in the determination of what we are responsible for, since it shows in what sense abstract right and morality depend on ethical life for their content.

One of the great scandals of Hegelian practical philosophy, of course, is his assertion that even ethical life itself is limited by something above it; it is superseded, he says, by the absolute right of world history. This notorious doctrine has often been thought to imply the possibility of “world-historical” justifications for unethical actions. In such cases,

an agent's responsibility for any wrongs he has committed is supposedly overridden or voided by the court of world history. Critics have seen this as a category mistake that violates the authority of the ethical sphere; defenders have argued that it represents one of Hegel's most revolutionary insights, the idea that customary morality should not stand in the way of human liberation. In the fifth and final chapter, I argue that both of these reactions are based on failure to properly distinguish between Hegel's statements about rational justification and contextual justification. Properly understood, Hegel's social philosophy is restricted to the former task: determining the form of a fully rational social order. The authority to determine whether norms are binding in any given circumstance, on the other hand, is fully retained by context-sensitive ethical judgment. So although world-historical justifications are higher than ethical justifications, they have no direct bearing on an agent's responsibility for the good or evil of what she has done. Questions about what we are responsible for can thus be settled without taking the ultimate rationality of the agent's social order into consideration.

With regard to Hegel's texts, I will be focusing primarily on the treatments of responsibility and action that occur in Hegel's *Elements of the Philosophy of Right* (1821) and in the third part of his *Encyclopedia*, the *Philosophy of Spirit* (1830). I will also be drawing liberally from his lectures during this period. The earlier *Phenomenology of Spirit* (1807), though it anticipates many issues, has an ambiguous relationship to Hegel's later writings and lectures.²⁹ Although matters of action and responsibility certainly have a prominent role in the *Phenomenology*, his discussions there do not reflect the basic terminological distinctions that I will be arguing are central to his mature thought.³⁰ Reading those distinctions back into the earlier account is certainly possible and perhaps even warranted but any such reading would be reconstructive and thus unlikely to command a wide consensus. For these reasons, I will refer to the *Phenomenology*, and other early works of Hegel's, only sparingly, resting my case largely on what he said in the last fifteen years of his life. Whether Hegel's later

²⁹ There is a great deal of valuable literature on the role action plays in the *Phenomenology of Spirit*. See, for example, Kline (1970), MacIntyre (1976), Speight (2001), Hahn (2007), McDowell (2009), Menegoni (2010), and Schlösser (2011).

³⁰ As far as I can tell, the first place we see Hegel utilizing the distinction between deed and action, and clearly distinguishing the various senses of responsibility, is in his unpublished propaedeutical writings, which were written in the years following the completion of the *Phenomenology of Spirit* (that is, between 1808 and 1811). See, for example, *PP*, 3; *TWA* 4:206.

discussions of responsibility are fully compatible with his earlier account in the *Phenomenology* is a topic I won't address in any detail.

Hegel's *Lectures on Aesthetics*, which include a fascinating and detailed treatment of both action and responsibility, will also not play a large role in my account.³¹ In those lectures, Hegel claims that human action is most effectively dramatized when it is depicted as taking place *outside* the context of positive legislative order. This marks a striking contrast with the treatment of agency we get in the *Philosophy of Right*, and in the *Lectures on the Philosophy of World History*, according to which action presupposes the establishment of a legal and social order.³² It might be thought that what Hegel says about action in his *Lectures on Aesthetics* is thus in real tension with what Hegel says about real or historical action in these other places. But this is only apparently the case. In the *Aesthetics*, he is addressing a different set of issues: issues raised by the problem of presenting human action as a realization of the absolute. For this purpose, action must be idealized, projected back into a time prior to the establishment of political institutions, for it is only in these more rudimentary social contexts that the individual can be depicted as the sole support for the universal aims she represents. In the more prosaic context of the state, Hegel thinks the individual's role is comparatively negligible, since right is here firmly established in reality, and her actions thus fail to express these universal aims in a clear and unambiguous way.³³ Since my concern in this book is with responsible action itself and not with action as a figure of the absolute, an extensive discussion of the *Aesthetics* has not been included.

Reconciliation and responsibility

One of the dominant aims of Hegelian philosophy as a whole is to reconcile the individual to reality by showing that reason is fulfilled in it.

³¹ *HA* 1:177–244; *A* 1:178–240. This is discussed by Wiehl (1971) and Bates (2011). For a recent and quite comprehensive survey of the role responsibility plays throughout Hegel's system, see Caspers (2012).

³² For the corresponding, more historical account of the transition from the Greek Heroic Age (the setting, of course, of most Greek epic and tragedy) to the Classical Age, see *PH*, 377–82, esp. p. 381; *VP*, 322–31, esp. p. 329. There Hegel indicates that prior to the establishment of the power and authority to judge royal individuals, there was “willful passion and caprice [*Willkür*]” but not “action [*Handlung*].”

³³ As Robert Pippin has noted, there is an analogue of this in American Westerns, which also situate agents in a kind of state of nature in order to better examine the basic conditions for political order, conditions that, in more prosaic contexts, are simply taken for granted (Pippin 2012, p. 20).

This aim is particularly evident in Hegel's social and political philosophy, where he seeks to reconcile his contemporaries to the central institutions of modern life by showing them to be inherently rational, to fully realize the conditions for our freedom. For such a project to succeed, Hegel needs to both identify the rational criteria according to which the modern social world is to be assessed and show that the modern world satisfies those criteria. Many contemporary critical theorists have continued to draw inspiration and guidance from Hegel's account of the normative standards our social order is to be assessed by, even while they have firmly and almost universally rejected his claims that the modern social order satisfies those standards. This has led to the somewhat distressing result that those most persuaded by Hegel's normative social theory are often among the least reconciled to the modern order and the most sensitive to its failings. Indeed, there is a kind of strict logic to this disenchantment, since the more importance one places on social conditions that are necessary for the full actualization of human freedom, the less we are left with if those conditions do not obtain. The end-point of this line of thought is well expressed by Adorno's hyperbolic maxim that "[w]rong life cannot be lived rightly."³⁴

But Hegel's project of reconciling us to the social world we live in is not exhausted by his attempt to show the full rationality of specifically modern social institutions – it can survive even if that part of the project miscarries. Terry Pinkard has argued that in the middle to late 1820s, Hegel himself grew much more pessimistic about the prospects that the contradictions of modern life were in the process of dissolving, eventually conceding that we must to some degree remain “amphibious animals,” torn between the common world of reality and the realm of thought and freedom.³⁵ But even here, in what is arguably one of his most pessimistic moments, Hegel describes a version of reconciliation which is present “with the ingenuous faith and will which does have precisely this dissolved opposition steadily present to its view, and in action [*im Handeln*] makes it its end and achieves it” (*HA*, 55; *A*, 64). Hegel's theory of responsibility shows that the experience of acting offers us a version of reconciliation in *pianissimo*, one that does not await a full reconciliation with the modern world. In action, we know we are responsible only for what we have done – no more or less. In this respect, the course of world affairs cannot affect us; any life can be lived rightly.

³⁴ Adorno (2002), p. 39.

³⁵ Pinkard (2010), p. 150.

In the *Encyclopedia Logic*, he attempts to express this form of reconciliation in the terms of the old proverb that “Everyone is the smith who forges his own fortune,” which he explains as follows:

What this means, in general, is that man has the enjoyment only of himself. The opposite view is the one where we shift the responsibility [*Schuld*] for what befalls us on other people, onto unfavorable circumstances, and the like. But that is just the standpoint of unfreedom once more, and the source of discontent as well. By contrast, when we recognize that whatever happens to us is only an evolution of our own selves, and that we carry the burden only of our own responsibility [*Schuld*], we behave as free men, and whatever may befall us, we keep the firm faith that nothing unjust can happen to us.³⁶

The thought Hegel expresses here clearly hearkens back to the traditional, Socratic claim that a good man cannot be harmed. This claim is grotesque, of course, if taken the wrong way; Socrates himself was unjustly put to death, as Hegel does not refrain from admitting. But like Socrates, Hegel insists there is a sense in which a free person, no matter what happens to him, is protected from being wronged. The injustices of the external world cannot make him guilty for anything he did not do, they cannot touch his inner freedom. It is tempting to denigrate this form of reconciliation as mere resignation to necessity. But for Hegel, it is just this insight into the compatibility of freedom and necessity “that determines our human contentment and discontent, and thereby our very destiny” (*EL* §147 A). To omit this dimension of Hegel’s thought, is thus to do it a serious disservice.

³⁶ *EL* §147 A (translation modified).

CHAPTER I

The actualization of the will

One of the strangest and most obscure of Hegel's doctrines is his actualization thesis: his belief that to truly comprehend something we must grasp not only the concept of the thing but also the existence that the concept gives itself. The doctrine is strange because it seems to attribute a kind of agency to concepts, indeed a kind of agency which is usually only attributed to God. It is obscure because it appears to mean very different things in different contexts. In his *Logic*, it implies that in order to understand any concept, like that of "being," we must understand how that concept could be successfully predicated of something; mastery of the meaning of a concept requires mastery of its application conditions. In his political philosophy, it underlies his denunciation of abstractly utopian thought, his claim that a philosophic science of "right" involves the "*comprehension of the present and the actual*, not the setting up of a *world beyond* which exists God knows where" (*PR*, Preface, 21). In this chapter, I will examine the role the actualization thesis plays in Hegel's theory of the will, where it grounds Hegel's claim that the will is only properly comprehended when the concept of the will is grasped together with its actualization as the rational will.

The chief text for Hegel's theory of the will is the Introduction to the *Elements of the Philosophy of Right* §§4–24.¹ Although the ultimate significance of these sections for the rest of the *Philosophy of Right* is debatable, and has been debated, the structure of Hegel's argument here is straightforwardly guided by the actualization thesis.² He begins with an

¹ The other important published text is the concluding section of Subjective Spirit in the third part of the *Encyclopedia* (*PM* §§469–482), which I will draw from when relevant. Although there are important differences between these treatments of the will (e.g., the disappearance of a treatment of practical feeling), I take them to be consistent on the fundamentals.

² Adriaan Peperzak provides an exceptionally careful reconstruction of this text (see Peperzak 2001, chapter 3). The following is indebted to his work, although I will offer a substantially different interpretation of the import of Hegel's argument here.

account of the three moments of the concept of the will (§§4–7), goes on to identify two inadequate shapes the concept of the will can take in existence (§§10–18), and then establishes that the concept is only fully actualized in a third and final shape: the free or rational will (§§21–24).

I will be arguing that the conclusion of Hegel's argument in these sections, his claim that only the rational will is actually free, has been consistently misinterpreted due to a failure to attend to the nature of an actualization argument. Hegel's argument in these sections is usually understood, though this understanding is usually tacit and rarely thematized, as an attempt to show that only the third shape, the free or rational will, actually satisfies the conditions for being a will. On such an interpretation, the other shapes of the will represent incorrect ways of thinking about the will – incorrect because they fail to incorporate some essential feature of willing as such. I hope to show why reading Hegel's argument this way is mistaken, and to put an alternative in place. On my interpretation, Hegel's argument is developmental; he aims to show how the will *becomes* free or rational. The other shapes of the will should be understood as necessary stages in the development of self-consciously rational will; they are inadequate only in the sense that they are forms of the will which are not yet “for themselves” what they already are “in themselves.” Hegel's procedure, then, is to show how, given a certain understanding of the human capacity for rational agency, we could construct a series of possible shapes through which humans must have progressed in order to become self-conscious of this capacity. Once we have this sequence constructed, we can turn to the actual historical record to see when and where these stages were realized.

This might initially seem like a minor modification in our understanding of Hegel's argument, but I will show that it has two substantial implications for our understanding of Hegel's practical philosophy. First, it provides us with a distinctively Hegelian account of the nature of practical reason. The tendency in contemporary discussions is to treat practical reason as having a distinct nature, and then to argue about whether instrumental or non-instrumental conceptions best capture that nature. Hegel's developmental approach to this issue gives him the means to assert *both* that a merely instrumental conception of agency is possible (this is the most primitive form of willing) *and* that a non-instrumental conception of agency is necessarily implied by that more minimal conception (this is the actually free will), thus reconciling our more Humean and more Kantian intuitions about the nature of practical reason. Second, this approach helps us understand why Hegel thinks of responsible agency

as an achievement or product of spirit – one that follows, not from our nature, but from the adoption of a certain self-conception. It will enable us to see that the will can exist in a variety of forms, each differentiated according to its own self-conception, and explain why only the self-consciously rational will can take responsibility for what it has done.

The basic form of the actualization thesis

The actualization thesis is formulated in a variety of ways and in a variety of places, but in his remarks at the beginning of the *Philosophy of Right*, we find two fairly typical statements that can help get us started. There Hegel says that “[t]he shape which the concept assumes in its actualization, and which is essential for cognition of the concept itself, is different from its form of being purely as concept, and is the other essential moment of the idea” (PR §1 R); and that “[t]he unity of existence and the concept, of body and soul, is the idea” (PR §1 A). What these passages suggest is that to understand the actualization thesis we will need to understand what a concept (*Begriff*) is, what the existence (*Existenz*, *Dasein*) of a concept is, what its actualization (*Verwirklichung*) amounts to, and what it means to speak of the idea (*Idee*) of something. A complete account of these terms would require a long digression into Hegel’s logic, but when Hegel himself wants to provide his audience with a provisional understanding of what he means by them he usually resorts to two simple Aristotelian analogies: that of a child coming to maturity and that of a seed growing into a tree. In the remarks from which the above passages were drawn, he in fact uses the tree analogy (which, as we will see, is the simpler of the two). In this section I will carefully interpret that analogy to the end of reconstructing the basic form of actualization thesis.

It is worth making two qualifications in advance in order to forestall any misunderstanding about how I will be employing the tree analogy to enable us to understand the actualization of the concept of the will. First, although Hegel invokes the growth of a tree as an analogy for the process by which a concept becomes actual, it should not be understood as a literal instance or example of that process, since there is, for Hegel, no philosophic concept of a tree. Although Hegel does think there is a logical concept of the plant – surely an ambitious enough claim – he does not think one can further deduce the conceptual necessity of various species of plants like trees, flowers, etc.³ So when we speak of the “concept of

³ PN §343.

the tree” in the following we are speaking loosely or metaphorically, not formulating a Hegelian theory of arboreal life. Second, and more importantly, there are significant dissimilarities between the actualization of natural concepts (like that of the plant or the animal) and that of spiritual concepts (like the will or the state). These dissimilarities limit the value of the analogy for our purposes. The most important difference will be explored in the course of the argument: a spiritual concept becomes actual not through a natural process of growth, but by giving itself actuality, something it does, I will claim, by coming to understand itself the right way.⁴ So although the tree analogy is important for Hegel, and clearly has an Aristotelian provenance, I am not suggesting that it points us in the direction of a fully Aristotelian reading of Hegel’s philosophy of spirit, one that understands the actualization of human nature as reducible to a natural teleological process.⁵

With that said, we can start by considering what Hegel means when he speaks of the concept (*Begriff*) of something. Within the tree analogy, Hegel indicates that the germ or seed of the tree is its concept. More precisely, the concept of the tree consists in “the tendencies, the capacity, the possibility” of being a tree considered apart from its existence as a tree (*LHP*, 50). The “concept” of a tree, then, involves a certain set of real *potencies*: the potential to grow branches and leaves, to put forth fruit, etc. Hegel thinks all particular concepts have a basic three-moment logical structure that Hegel calls *the concept* (*der Begriff*) in the *Logic*; they have a universal moment, a particular moment, and a singular moment.⁶ So in a proper scientific treatment of a particular philosophical

⁴ “Because humans are spiritual beings, they must acquire everything for themselves, must make themselves into what they ought to be and what otherwise would remain a mere potentiality; they must cast off the natural.” *PH*, 151; *VG*, 58.

⁵ Robert Pippin notes that when Hegel speaks of the actualization of spirit he typically uses the more Fichtean language of self-production rather than the more Aristotelian language I will be exploring here (Pippin 2008, pp. 62–64). But although I agree with Pippin that this language indicates that spirit’s actualization cannot be understood as a natural process, I think Pippin overstates the disanalogy between nature and spirit when he claims spirit must be understood without reference to essentialist categories. Spirit does not differ from nature in lacking an essence but primarily in the manner by which its essence is actualized (through its own agency) and the medium in which its essence is actualized (self-consciousness).

⁶ See *EL* §163. John McDowell rightly emphasizes that Hegel’s treatment of *the concept* (*der Begriff*) in the *Logic* is a treatment of conceptuality as such (McDowell 2009, p. 96). But he is wrong in suggesting that Hegel does not accept the further task of deriving a table of notions, a kind of hierarchy of necessary non-empirical concepts (plural). The rest of his system (the philosophy of nature and spirit) is precisely a deduction of such concepts or categories. In the *Philosophy of Nature*, for example, Hegel himself explores the difference between logical concepts (e.g., the animal) and empirical concepts (like the various species of animals) (*PN* §370 Z; *TWA* 9: §368 Z).

concept, its capacities or potencies cannot simply be compiled from empirical observation but are shown to be necessary “moments [*Momente*]” of that concept.⁷ In the *Encyclopedia Logic*, for example, Hegel tries to show that the concept of a living being necessarily involves three capacities – sensibility, irritation, and reproduction – that themselves correspond to the three forms of judgment.⁸ The set of potencies implied by the very concept of a thing is also referred to by Hegel as its nature (*Natur*) or essence (*Wesen*).⁹ He says the concept “dwells within the things themselves, it is that through which they are what they are” (*EL* §166 A). The moments of a concept should thus be understood as criterial for membership in the class indicated by the concept. Something that meets the requirements of a concept, that has the relevant potencies, is said by Hegel to be *in accordance with* its concept (*nach seinem Begriffe*). In general, then, the concept of something is a wholly abstract determination of the necessary properties of a category that is fully distinguishable from any of its particular instantiations or members.

These instantiations, to move our discussion onward, constitute what Hegel terms the existence (*Dasein*, *Existenz*) of the concept.¹⁰ Hegel claims a concept cannot be understood apart from its existence any more than soul can be understood apart from body. He talks about this relation between concept and existence, however, in a peculiar way, saying that a concept must “step into existence,” it must “posit itself” as “something differentiated” (*LHP*, 50). This language of self-positing lends itself quite easily to the traditional interpretations of Hegel’s idealism that attribute a quasi-divine agency to the concept, a *nisus* to realize itself in the world. But the tree analogy suggests a more modest rendering of this, one that will allow us to stop well short of this kind of interpretation. The seed, considered as the potency to become a tree, posits the tree insofar as it can be said that it explains why the tree develops as it does. When Hegel speaks of the concept of something giving itself existence, he is saying that the concept stands in an

⁷ For a defense of the claim that the methodology of the *Philosophy of Nature* is *a prioristic*, see Alison Stone (2005), chapter 1. For an alternative account of the *Philosophy of Nature* that denies any sharp distinction between empirical and *a priori* concepts, see Rand (2006) and (2007), and Southgate (2010).

⁸ *EL* §§217–222. Also see *PN* §§346–348. ⁹ *SL*, 16; *GW* 21:15.

¹⁰ In the passages I am explicating, these two German terms are used interchangeably. In the *Logic*, *Dasein* is a more general concept covering any existent, *Existenz* is a more concrete notion – it signifies the existence of things that have an essence.

explanatory relationship to some aspect of the thing's existence; it explains why it is the way it is, but not necessarily why it exists at all.¹¹

Hegel says the concept "becomes differentiated" in existence because any existence of a concept includes a multiplicity of properties that are simultaneously compatible with the concept but that go beyond the concept. For example, insofar as the concept of the tree exists in the external world, it must exist as some particular shape (*Gestalt*); it must be a sapling, or a tree in bloom, or a mature tree with its fruit. These instances of the concept both satisfy the formal criteria of being a tree, but also go beyond its concept by achieving some determinate shape. It is important for our purposes to note that this marks a logical difference between "shapes" and "moments"; whereas a given moment of a concept is only notionally distinguishable from the others, a given shape of a concept can exist without the other possible shapes being present at the same time. Shapes are possible forms of existence in which all of the moments of a concept take determinate form.

On Hegel's account, though, the concept not only stands in an explanatory relationship to its instantiations, it also stands in a normative one, and this in two senses. We have already seen one of them. Something only counts as a tree, for example, insofar as it is *in accordance with* its concept (*nach seinem Begriffe*), that is, insofar as it has those potencies that are criterial for being a tree. To ask whether some plant accords with the concept of the tree is to ask about its substantial nature; it is to ask whether it would be correct (*richtig*) to categorize it as a tree. Something without those specific potencies entailed by the concept of the tree, say a bush, is not an instance of that concept but of another one. This, of course, signals a commitment to some kind of essentialism: the thesis that there are some features of a kind of thing that are necessary for it to count as that kind of thing. Although Hegel criticizes certain historical forms of essentialism, he thinks that the basic logical difference between the predication of inessential properties (e.g., this rose is red) and essential ones (e.g., this rose is a plant) is one that "the dullest mind would not miss" (*SL*, 576; *GW* 12:78).

But Hegel thinks there is also a second normative role that concepts play, for he thinks some things can be in accord with their concept without *corresponding to* or *agreeing with* their concept. He says, for example,

¹¹ According to Hegel's controversial rehabilitation of the ontological argument, the concept of God is self-explanatory in this complete sense. But this distinguishes the concept of God from other concepts.

that “a sick body is not in agreement with [*nicht in Übereinstimmung mit*] the concept of life, and similarly theft is an action that does not correspond to [*nicht entspricht*] the concept of human action” (EL §172 A). A sick body is, of course, alive, and a theft is an action, but in these cases Hegel wants to say that the object does not correspond to *its own* concept. In Hegel’s terminology, a sick body may be correctly categorized by the concept of life, but it is an untrue (*unwahr*) or bad (*schlecht*) instance of it. Here we have a different kind of falling short of the concept, one that signals a commitment to something like normative essentialism: the thesis that a thing’s concept serves a role in determining whether it is a true or good instantiation of what it is.¹²

There are a couple of ways something can fail to correspond to its concept, though, that are worth distinguishing. If a fruit tree is wretched or diseased, to use the example from above, if it has the capacity to bear fruit only in the attenuated sense that it is the sort of thing that bears fruit, but cannot itself bear fruit, then it is still a tree but it is a *defective* or *bad* tree.¹³ This sort of tree is on the way to not being a tree at all. But something fails to correspond to its concept not only when it is defective or pathological but also when it has not yet developed all of its capacities. Hegel frequently says a child does not fully correspond to the concept of a rational being because its reason has not yet matured; a similar statement could be made of a healthy sapling. The child or sapling can be said to be developing (as opposed to merely changing, like the diseased tree) insofar as it is moving from mere accord with its concept in the direction of full correspondence with it: “Thus the seed develops and does not change; if it is changed, pulverized, crushed and the like, then it does not develop” (LHP, 51; VGP, 215). In sum, the concept of a something determines what counts as an instance of the concept at all, and it provides a standard according to which one can distinguish between more or less adequate

¹² Normative essentialism is, of course, on hard times. For a defense of the plausibility of Hegel’s variant, see Ikäheimo (2011), esp. pp. 153–59.

¹³ In Rand (2013), Sebastian Rand argues that plants and animals, unlike spiritual beings, cannot be defective in an evaluative sense according to Hegel, since they have the wrong sort of individuality to support apodictic judgments. Although I think Rand is right that spiritual defectiveness cannot be reduced to natural defect, I do not think this is the right way to capture the distinction between them. In the *Philosophy of Nature*, Hegel says that defects in natural organisms can be determined relative to “the characteristic of the species or class” (PN §370 Z; TWA 9: §368 Z); and in the *Logic*, he goes on to explicitly say that sick or deformed plants or animals are *bad*, failing to be what they ought to be (see, e.g., SL, 712; GW 12:213–14). One interesting difference Hegel himself brings attention to is the fact that natural defect is always brought about by external causes, whereas in man, “the source of these imperfections lies in his whims, his caprice, or his negligence” (PN §370 Z; TWA 9: §368 Z). This suggests that we are responsible for our failures in a way animals are not.

instantiations, where “less adequate” can signify a defective shape or just an incomplete developmental stage.¹⁴

The shape that not only accords with its concept, but also corresponds to it, is what Hegel calls the actualization (*Verwirklichung*) of the concept. The actualization of the concept of the tree, to return to our guiding analogy, is the mature tree with its fruit; this is not a “mere existence” of a tree, but the “highest and truest existence of the tree” (*LHP*, 59; *VGP*, 227). Such a tree not only satisfies the formal requirements for counting as a tree by having certain capacities, it is a full unfolding of those potencies included in the concept of the tree and so is neither deformed nor immature. Here we find concept and existence no longer in contradiction but in “harmony” or “complete interpenetration” (*PR* §1 A). This is a tree in which none of its essential properties are present as mere potential, where everything essential is no longer latent but has achieved full expression. In actualization, the objectivity or existence of the tree is said to be identical with its concept or to return to its concept.

There is a crucial difference, however, in the way Hegel characterizes the actualization of natural and spiritual concepts that should be mentioned at this point. When a child finally develops into a rational being, actualizing his concept, Hegel says he not only realizes latent capacities, he also becomes *for himself* what he already was *in himself* (*PR* §10 A). The development of a child to maturity, then, involves *both* the maturation of his natural capacities, something that is strictly analogous to the natural, seemingly effortless growth of the tree, and also the struggle to achieve intellectual self-consciousness, something that happens not naturally, but only through acculturation and education. It is characteristic of the actualization of spiritual concepts, like that of the state or of religion, that they have this further dimension. Their actualization requires the achievement of a shape of existence that is “in and for itself,” that knows itself to be what it is.¹⁵ Prior to this achievement, we have not only a failure of correspondence between concept and existence but, more specifically, a contradiction between what something is in itself and what it takes itself to be. This latter sort of contradiction is unique to spiritual beings. The actualization of the will, like any spiritual concept, will show itself to be unlike the growth of a tree in just this respect: its development is no

¹⁴ See *EL* §213 A.

¹⁵ “The most important point for the nature of spirit is the relation, not only of what it implicitly is *in itself* to what it *actually* is, but of what it *knows itself* to be to what it *actually* is; but spirit is essentially consciousness, this self-knowledge is a fundamental determination of its actuality” (*SL*, 17; *GW* 21:16).

mere organic, unconscious process of unfolding, but is a necessarily historical process through which spirit “gives itself” an adequate existence by coming to conceive of itself in the right way.

We are now in the right place to understand, schematically at least, Hegel’s basic definition of the idea (*Idee*) as the concept together with its actualization. What he means by this is that a full philosophic comprehension of something requires understanding both the necessary moments of the concept of the thing and the process by which the concept actualizes itself in existence, a process consisting of stages that culminate in a particular shape of existence that can be said to fully correspond to the concept.¹⁶ A full philosophic account of what it is to be a tree (were such a thing possible) would require knowledge not only of the capacities that are criterial for being a tree, and not only of some instances of a tree, but also knowledge of how these capacities come to be realized in mature, fully developed trees. It is only by knowing both together that we would know the idea of the tree. This is all summarized in the first two rows of Table 1 below.

From this vantage point, we can already see quite clearly how the actualization thesis structures Hegel’s discussion of the will. The first task Hegel sets himself in the Introduction to the *Philosophy of Right* is to provide the concept of the will, an account of the formal criteria according to which something counts as having a will at all. The three “moments” of the will described in *PR* §§5–7 can be understood as his attempt to provide just this. The second thing he tries to do is to give an account of the necessary development of the will in existence, the determinate “shapes” or stages the will takes in reality. These are the natural will, the arbitrary will, and the rational will which are characterized in *PR* §§10–24. Since these are spiritual shapes, they can each be understood as different ways the will can conceive of itself. Finally, he has to show why only the last shape, the rational will, can be said to truly actualize the will: to not only accord with its concept but also correspond to it. This is the will that knows itself to be what it is, that is “for itself” what it is “in itself.” Put all together, this account provides us with the idea of the will: the concept together with its actualization in a shape of the will whose self-conception agrees with its

¹⁶ It is worth noting that Hegel’s claim that true comprehension of something requires knowledge of the various shapes it can take in existence does not at all imply that he thinks we need some real experience of these shapes, that they need to be present to us empirically in order to be cognized. The procedure we are tracing here is supposed to be entirely *a priori*; it is an “immanent progression” of the concept “which does not depend on the assertion that various circumstances are *present* or on the subsequent *application* of the universal to such material of extraneous origin” (*PR* §31).

Table 1. *Hegel's actualization thesis*

Concept (<i>Begriff</i>)= potency, the soul, the form, the essence	Existence (<i>Existenz</i> , <i>Dasein</i>)=determinacy, the body, the material, the instantiation	Idea (<i>Idee</i>)=concept plus actualization
The formal criteria, or moments, according to which anything can be counted a tree. These are the tree's characteristic natural potencies (e.g., growth, reproduction, etc.).	The material instances, or shapes, which satisfy the formal criteria: (i) the sapling (ii) the flowering tree (iii) the mature tree with its fruit	The idea of the tree is the concept understood together with its full actualization in the mature tree with its fruit.
The formal criteria according to which anything can be counted a will. These are the will's characteristic spiritual abilities (§§5–7).	(i) the natural will (§§10–13) (ii) the arbitrary will (§§14–18) (iii) the free or rational will (§§21–24)	The idea of the will is the concept understood together with its full actualization as the free or rational will (§27).

concept. The three steps of the actualization of the will are identified in the third row of Table 1, and will help guide the rest of our discussion.

The concept of the will

We can now advance to the first part of Hegel's argument: his determination of the "moments of the concept of the will [*Momente des Begriffes des Willens*]" (PR §4 R). The tree analogy would lead us to expect this to include an account of those potencies anything must have in order for it to count as having a will. And, indeed, what Hegel identifies here are three abilities or capacities that are constitutive of willing.¹⁷ These are capacities we have by nature, or by virtue of our human life-form; other animals do not have them.¹⁸ By describing these capacities as moments, however, Hegel is indicating that they are inseparable aspects of a single totality, not independently instantiable faculties. He says the second moment, for example, "is already contained in the first and is merely a *positing* of what

¹⁷ PR §4 R. Also see PR §10, which speaks of the will "in itself" as a faculty [*Vermögen*] or potentiality [*Möglichkeit*], and PR §22, which contrasts the actual will to the will as "possibility, predisposition or capacity [*Möglichkeit, Anlage, Vermögen*]."

¹⁸ PR §47.

the first already is in itself" (PR §6 R). Hegel thinks there is a tendency for representational thought to latch onto a single one of these capacities as crucial, and as independent of the others. Against this, Hegel insists not only that the will necessarily involves all three moments but also that they are indivisible: any being that lacked a single one of these would lack all of them.¹⁹ Hegel describes these three capacities in his forbidding speculative terminology – they are the negation of limitation, the negation of that negation, and so on; and they clearly are intended to correspond, like the moments of the concept of life, to three forms of logical judgment: universal, particular, and singular. It is this link to the three forms of judgment treated in the *Logic* that is supposed to establish the necessity and *a prioricity* of these moments. But Hegel also insists that these moments have a psychological reality that anyone can understand simply by reflecting on her own self-consciousness.²⁰ And so for the purposes of the *Philosophy of Right*, he says they can be taken as a given, as something we are already familiar with. I will follow his lead here, emphasizing the familiar nature of these capacities without drawing much attention to their logical infrastructure.²¹

The first capacity Hegel identifies is a negative one; it is the ability not to be determined by our natural desires. A being with a will can abstract from or renounce any particular end or desire whatsoever, even the desire for self-preservation. Hegel ties this capacity to abstract away from any want or need not to some power to annul natural causality, as Kant, for example, does, but to representational thought.²² This entails the ability to consider things in their absence, to think over alternate courses of action. The animal has no will insofar as its behavior is an unmediated expression of its drives and instincts: it does not take its hunger as a reason to act, it just acts in order to satisfy its hunger. Representational thought, on Hegel's account, breaks the dominance of the drives not by transcending the economy of desire entirely but by giving us the opportunity to compare present objects of desires and future objects. It enables the individual to get some distance from or power over her immediate wants rather than simply being immersed in them. Something satisfies the

¹⁹ I take this to be implied by PR §7 R. For a contrary view, see Tunick (1992), chapter 3. On Hegel's general opposition to understanding human psychology in terms of discrete faculties, see PM §379.

²⁰ Hegel's statement to this effect in PR §4 R is in some tension with his claim in §7 R that the third and final moment is incomprehensible to the understanding. It would appear that his considered opinion is that the third moment, *beisichselbstsein*, is familiar to us only in the form of feeling, not in the form of thought.

²¹ For the latter, see Wallace (2005), pp. 233–37.

²² See Kant, CPR A 534/B 562.

indeterminacy criterion, then, simply by having thought, for thought itself implies the requisite distance from one's desires.²³ As we will see shortly, though, one can have thought, and so have the capacity to step back from one's desires, without *knowing* that one has this capacity.

Second, the will must be able to posit something particular as its end – that is, it must be able to determine itself to act in some specific way. Indeterminacy is not enough because a will that wills nothing is not a will at all (*PR* §5 A). So in addition to having the capacity to step back from our drives, the concept of the will requires the capacity to posit some determinate content as our end and to act upon that particular end. This is described as a kind of self-limitation, a movement from the indeterminacy of negative freedom to a single bounded objective upon which you act. To have this capacity is simply to have the capacity to act on some specific end: whether it is provided by one's natural impulses or by the pure concept of the will itself is immaterial. As I remarked above, Hegel thinks that this second capacity is only notionally separable from the first, so the temporal language he uses is a little misleading. Although someone can take themselves to only have negative freedom (his examples are Hindu fanatics and French revolutionaries), they are necessarily always already involved in the second moment inasmuch as they do anything at all – and, of course, we have no choice in this; one acts in some determinate way whether one wants to or not. The reverse is also true: it is unintelligible to imagine that the will's particularization of itself could exist without a moment of indeterminacy, because if the will has no independence from its sensibility it cannot be said to be responsible for the determinacy of the chosen end. Although animals, of course, behave in particular ways they cannot be said to particularize their wills because the particular thing they end up doing expresses an instinct not an end known as such.²⁴ On Hegel's account, then, both of these moments are one-sided representations of the same underlying process of

²³ This marks a disagreement with Winfield (2010). Winfield clearly appreciates that the three shapes of the will stand in a developmental or genetic order, but on his reading the two more primitive shapes do not presuppose thought; they are pre-linguistic and non-conceptual forms of volition, forms we share with animals. But Hegel explicitly claims that there can be no will without thinking (*PM* §468 Z) and, on that basis, denies that animals have a will (*PR* §5 A). The process we are concerned with here does not proceed from non-conceptual forms of volition to a conceptual one, but from implicitly rational forms of the will to a form that is explicitly or self-consciously rational.

²⁴ "Since an urge can be carried out only by quite specific actions, this appears as instinct, in that it seems to be a choice guided by a determination of an end. But because the urge is not a conscious end, the animal still does not know its ends as ends; and that which unconsciously acts in accordance with ends Aristotle calls *phusis*" (*PN* §360 Z; translation modified).

self-determination – a process that, whatever its logical underpinnings, intuitively corresponds to our experience of stepping back from our desires and then resolving upon what to do.²⁵

The third moment is said to bring these two together into a unity, to show how the will can be free from determination by natural desire, etc., despite the fact that it must ultimately act on one of these desires. To do this, Hegel thinks the will must have the ability to “remain with itself [*bei sich*]” in its own ends and actions (*PR* §7). This third and last aspect, freedom as being-with-yourself (*beisichselbstsein*), certainly raises several complicated philosophic issues that go to the heart of Hegel’s project. But, like the other two moments, it also corresponds to a familiar experience we have of willing. Hegel’s claim is that when I have genuinely willed something, I experience my ends not only as having been determined by me but also as *mine*: as belonging to me even in their externalization (*PR* §4 A). In willing, I not only step back from my desires, and then resolve on something, I then experience my resolution and my action as expressive of me. If we did not have this capacity to remain with ourselves in our ends, the previous two moments would issue in our acting in ways which are utterly unintelligible to us. If we did not have this capacity, we would have no answer to the question of why we resolved to do what we did or why we did it. In order to experience an end or action as willed by me, as “mine” in Hegel’s terminology, I must be able to continue to identify with it even after it is posited or acted upon. We can put this into more contemporary terms by saying that an action must express my reason to act. Over the course of the Introduction, Hegel will consider three ways in which we can re-encounter our reasons in our acts: an act can be *mine* in that it expresses what I desired to do, what I chose to do, or what I took to be right (where that means in accordance with my essence as free).²⁶ These are the kinds of reasons Hegel thinks a willing being can have: we can have reasons provided by our desires, our choices, and our reason. The third requirement of willing is satisfied by *any* of these: it requires only

²⁵ The idea of stepping back from one’s desires is ultimately problematic from a Hegelian point of view (see Yeomans 2010 and Walsh 2012). I am using it here just for illustrative purposes. I have already mentioned one problem, which is that it gives rise to the illusion that these moments can be temporarily separated. A second problem is that the idea of stepping back from one’s desires, or standing above them, suggests an impositionalist model of reflection which, although it is characteristic of the phenomenology of arbitrary will, will be overcome in the rational will (*PR* §8).

²⁶ In the *Encyclopedia*, Hegel characterizes the inadequacy of the merely formal will by the fact that its “self-fulfillment means no more than a general and abstract oneness [*seinige*], not yet identified with mature reason” (*PM* §469). I am interpreting this abstract and inadequate form of oneness as a matter of seeing your act as expressive of your reasons, but not yet of objective reasons.

that there be some sort of endorsement, some sense in which my ends in acting can be seen as mine, expressive of my reason to act.

On Hegel's analysis, then, willing has three moments which presuppose three inter-related and broadly psychological potencies or capacities: the ability to abstract from inclinations, to posit an end, and to recognize one's reasons to act as expressed in one's own ends and behavior. The capacity to act on reasons includes the other two and so is the crucial criterion for willing for Hegel. Most mature adults, whatever their level of civilization, can be presupposed to have the capacity to act on reasons and, inasmuch as this is the case, humans can be said to accord with the concept of the will or, more colloquially, to have a will. Any being that lacks this capacity, and Hegel clearly thinks all animals lack it, fails to accord with the concept and can be said to lack a will.

Self-consciousness and self-constitution

It might be thought that accordance with the concept of the will is all you need in order to establish that some being is free; if you have the real capacity to act on reasons (not just the bare potential for this we see in a small child) you count as a free agent, as a person in the moral sense. This would be to claim that you are free simply by virtue of your nature or essence as a rational being. Hegel, however, denies this is adequate, asserting that someone must become *conscious* of her essence as a rational being in order to actually become a free agent. Although someone who lacks such self-consciousness can be said to be implicitly free, he thinks she cannot be said to be actually free. This contrast between being merely implicitly free (in accord with the concept of the will) and being actually free (corresponding with the concept), is often illustrated by Hegel with the case of the slave, who though he is free "in himself" is not yet free "for himself." In the *Philosophy of Right*, for example, Hegel says that the will of the slave is not yet "truly itself and free" because "[t]he slave does not know his essence, his infinity, and freedom; he does not know himself as essence – he does not know himself as such, for he does not think himself" (PR §21 R). He develops the same thought more fully in a passage in his *Lectures on the History of Philosophy*:

All human beings are rational; the formal aspect of this rationality is that the human being is free. Although freedom belongs to our nature, many peoples have practiced slavery and some still do, and they are content with it. The entire distinction between them and those without slavery, is just that the latter know that they are inherently free. The former too are free

implicitly, but they do not exist as free. The sole distinction is just that the latter know their freedom, and so it is explicit for them. What makes for such an enormous variance in condition is whether people are free only implicitly or by happenstance, or whether they know instead that it is their concept, their nature, to have their being as free individuals.²⁷

So although Hegel has a fairly traditional understanding of the concept of the will as implying the capacity to act on reasons, equating this with “implicit freedom,” he couples this with a strikingly unconventional claim about the need for this to become conscious to agents in order for freedom to “truly exist”: that is, to exist in a form adequate to its concept. It would be hard to exaggerate the importance of this extra step for Hegel. Although becoming conscious of our nature as rational beings introduces no new content, he says “all insight, all scientific knowledge, all action” hinge on understanding how we make this transition; if we restrict ourselves to the abstract concept of the will, as he thinks Kant, for example, does, we will utterly fail to grasp the “idea and truth of freedom.”²⁸

But before we turn to Hegel’s analysis of the ways the will can fail to achieve consciousness of its freedom, it is worth understanding why there is any connection between willing and self-consciousness at all. We can start to see this connection by recalling that one of the things willing presupposes, on Hegel’s account, is an ability to see one’s ends and activities as expressive of one’s reasons. To be capable of this, the agent must have some sense of what her will is, of what reasons she has. Hegel thinks that what the agent takes to be her reasons is constituted by her self-consciousness: by “whatever conceptions [she] has formed of [her] own nature and volition” (*LPWH*, 50; *VG*, 57). For example, if a given human being conceives of herself as a desiring being, she is identifying her will with her desires and the only sort of reasons she will encounter in her action are reasons like “because I wanted to.” Such an individual will “be with herself” in her ends and activity only to the degree that they express or satisfy her desires, for it is these desires that she takes to constitute her will. To have a will at all, then, is to have some kind of

²⁷ *LHP*, 51; *VGP*, 214–25.

²⁸ Freedom is, of course, a richly ambiguous term in Hegel as elsewhere. Here I am concerned only with the kind of freedom the slave is said to implicitly have but explicitly lack. In this restricted context, a being that is implicitly free is one that has the real capacity to act on reasons, but is not yet aware of itself as essentially rational. Achieving explicit freedom requires what Hegel calls “consciousness of freedom,” a belief that I am free, subject only to the authority of reason, but it does *not* require explicit possession of the “concept of freedom,” the originally Christian belief that all humans are free by their very nature. When freedom is mentioned in the following, it is only in the former sense that it is intended.

self-conception of what it is to have a will, a self-conception that determines the kind of reasons one takes oneself to have.²⁹

This means that humans, to use Charles Taylor's well-known phrase, are "self-interpreting animals"; the character of their existence is partially determined by their self-conception.³⁰ An important consequence of this is that humans can change what they are merely by arriving at a different self-conception.³¹ When the slave, for example, becomes conscious of his own freedom and refuses to accept his position of dependency, Hegel says he "makes himself" a "responsible being" (*PR* §66 R). That Hegel is committed to some such view about the importance of self-consciousness in history has long been recognized. Indeed, it is just this aspect of Hegelianism that Marx has in view when he famously denies, in the 1859 Preface to *A Contribution to the Critique of Political Economy*, that the consciousness of men determines their existence. On Marx's alternative account, slavery does not end because slaves make an ideological breakthrough and become aware of their nature or essence as free, rather they become conscious of their freedom because of underlying changes in a society's mode of production, like that brought about by the invention of the steam engine, changes which indicate that slavery is no longer integral to the development of the productive forces of a given society.³² Marx's account is predicated on an explicit reversal of Hegel's contention that self-consciousness determines human existence.

But even though Hegel is clearly committed to the transformative power of self-consciousness, it is important not to exaggerate this in the

²⁹ Christine Korsgaard is known for a similar argument that agency forces us to choose a self-conception under which we value ourselves, and that it is by virtue of this practical identity that one has reasons and obligations (see Korsgaard 2009). Given their proximity on this question, it is worth flagging three important differences between Hegel's account of self-constitution and Korsgaard's. First, in the following argument, Hegel is only interested in those self-conceptions that are implied by the concept of the will (the natural will, the arbitrary will, and the rational will), not in contingent or empirical practical identities (such as Mafia boss, knight, professor, etc.). He does have something to say about the latter in *Ethical Life*, but that is not my concern here. Second, he thinks these fundamental self-conceptions cannot be chosen the way contingent identities are chosen; they correspond, as we shall see, to different degrees of consciousness of freedom. Third, although these fundamental self-conceptions determine what we regard as our reasons for Hegel, and thus what we think we ought to do, they do not necessarily give rise to unconditional obligations to do anything, not even an obligation to preserve our identity. Only one specific self-conception (the rational will) gives rise to obligations that are not themselves conditional on desires or choices.

³⁰ Taylor (1985b).

³¹ William Bristow has persuasively shown that the idea of self-transformation is central even to Hegel's epistemological project in the *Phenomenology of Spirit* (Bristow 2007).

³² That this does not imply that consciousness is simply epiphenomenal for Marx is clear from a famous passage from the *Grundrisse* (Marx 1978, p. 254).

direction of later existentialist appropriations of the same idea. Robert Brandom risks doing just this when he claims that one of Hegel's big ideas is that we are "essentially self-conscious."³³ This sounds similar to Taylor's slogan, but Brandom means something stronger by it. As we have just seen, Hegel clearly distinguishes between the concept of a thing (its essence or nature) and the shape it takes in existence. Brandom claims that a change in our self-conception can modify not only our existence [*Existenz*], but also our very concept [*Begriff*] or essence [*Wesen*]. On Brandom's account human beings are self-constituting in the quite radical sense that they can determine their own essence or nature. He thinks humans determine what humanity is "in itself."³⁴ Brandom's reading is intended to make room for the possibility of understanding Hegel's history of spirit as a radical, open-ended dialectic between what humanity is "for itself" and what it is "in itself": with every new self-conception our very concept or essence changes, and this makes it possible to arrive at new self-conceptions, and so on. According to Brandom's Hegel, humans have a history but not a nature; or more precisely, whatever nature they have at any given point is merely the result of a history of self-transformations.

But Hegel's own position, at least on a *de dicto* reading, is nowhere near this radical and open-ended. In his *Lectures on the Philosophy of Spirit*, Hegel says: "The human being is supposed to bring himself about, but he cannot make himself to be anything other, and can have no other end, except what he *originally is* in himself."³⁵ What the human being is "originally" and "in himself" is determined by his concept. As we have already seen, this involves nothing other than the capacities needed to be free, to act on reasons. It is this capacity for freedom or rationality that makes us human, that constitutes our nature or essence. Although it is true that this freedom takes on a variety of different concrete shapes over the course of history depending on the level human consciousness has reached, it does not follow that our nature or essence itself changes

³³ Brandom (2007), p. 127. Brandom's account is intended as an interpretation of the *Phenomenology of Spirit*, and in that context Hegel does speak of consciousness as modifying what it is "in itself." But even in the *Phenomenology*, this needs to be understood as shorthand for the "in itself for it" not the "in itself for us." On the ambiguities of "*Ansich*" in the *Phenomenology*, see Theunissen (1978) and Westphal (1998).

³⁴ Allen Wood is on similarly shaky ground in asserting that Hegel views human nature as a historical product and hence something variable and malleable (Wood 1990, pp. 33–34). Although, on the definition of human nature Wood is working with here, this is true, Hegel himself does not speak this way. He says that, in history, human nature takes on different shapes of existence, but not that our nature itself changes.

³⁵ *LPS*, 60–61; *VP*, 6–7 (my italics).

through this process. Indeed, Hegel appears to deny the very intelligibility of this sort of transformation, claiming there is no way to say what an individual human being would be if one removed its concept.³⁶ Consciousness cannot change “what it is in itself by changing what it is for itself,” as Brandom claims, because what a human is “in itself” or “essentially” is just a matter of having those capacities presupposed by the process of self-constitution. The only way a given individual could effect what it is “in itself” would be by destroying those capacities that are constitutive of its own rationality (say, by getting a lobotomy); this is not a transformation one could effect simply by acquiring a new self-conception.

If Brandom’s more Sartrean interpretation of self-constitution were correct, you would expect Hegel to say that the slave is not essentially free, free “in himself,” until he takes himself to be free, until he is free “for himself.” But, in the passages we started with, Hegel says the opposite of this. He says that the slave is *already* essentially free, or free “in himself” – and this despite the fact that he is not yet free “for himself,” that he does not “know his essence.” It is because the slave does not *know* his essence that he is not free *in existence*. Hegel’s history of spirit thus concerns transformations in the existence of humanity, not transformations of its essence. Although Brandom is right that Hegel thinks understanding what it is to be human requires some recourse to history, this is no open-ended dialectic, but a history that has a clear built-in *telos*: the arrival of self-conception that finally corresponds to the concept or essence of humanity.³⁷

In sum, Hegel’s position is that the nature or essence of humanity is rationality. In its practical aspect, this amounts to the ability to do things

³⁶ *SL*, 16–17; *GW* 21:15. To see why he thinks this, it is important not to confuse my essence or concept with my practical identity. It makes sense to say that someone has changed their practical identity, that I used to be a professor but have become a priest. But I cannot say that I was *essentially* a professor but then I became *essentially* a priest because if there is the same “I” throughout this transition then *neither* being a professor nor being a priest could have been an essential property of me as such. If we simply deny that we have any essence constant throughout the process, if the “I” is used merely homonymously, then, at best, you have a succession of selves but *not* a self-transformation.

³⁷ It is perhaps helpful to indicate how this process links up to Hegel’s story of history as the development of the consciousness of freedom. Hegel thinks the actualization of the concept of the will is, strictly speaking, a *prehistorical* process, in that it largely takes place prior to written history. This process occurs whenever humans with the capacity for rationality become conscious of their rationality through a self-subjection to laws they consider to be valid. *History proper* involves the development of the concept of right from the narrow and inadequate form it takes in primitive states, to its actualization in the modern state. This second process, which I will not explore here, presupposes the accomplishment of the first one, which is my topic.

for reasons. Having this ability requires having some self-conception, it requires taking oneself to have reasons. This self-conception determines the shape of your existence as human, and so if your fundamental self-conception changes, your existence will change as well. The immanent *telos* of this developmental process is a shape of existence that is “for itself” what it is “in itself”; a will that is not only implicitly rational but that knows itself to be rational.

The shapes of the will

In turning from the concept of the will to its existence, we are thus turning from the essence of the will to various self-conscious instantiations of this essence. Although one cannot have a will at all unless one has some self-conception, the example of the slave makes it clear that a human being’s self-conception need not be true in Hegel’s sense, that is, it need not correspond to the concept or essence of the will. In such cases, Hegel says that what the will is “for itself” is not yet what it is “in itself”; or that it is not yet explicitly what it already is implicitly. The sort of account Hegel is providing implies a spectrum of existential possibilities that ranges from the will that is entirely unaware of its nature as a will all the way to the will that is fully aware of its nature as a will. Hegel experimented with a variety of ways to stage the transition from the merely implicit to the explicitly free will. In the *Philosophy of Spirit*, this development is broken up into four steps: (i) practical feeling, (ii) impulse and choice, (iii) happiness, and finally, (iv) the actually free will. His account of the actualization of the concept of the will in the *Philosophy of Right*, which I will be focusing on here, is simpler than this, identifying three basic developmental stages: (i) the natural will, (ii) the arbitrary will, and (iii) the free or rational will. The natural or immediate will is the will with no consciousness of what it is “in itself”; it is utterly unaware of its capacity to abstract from its desires. The arbitrary or reflective will is the “mean position” between the will with no consciousness of what it is “in itself” and the will with full consciousness of what it is “in itself” (*PR* §15 R). This is the will that is conscious of its capacity to abstract from its desires and its capacity to resolve on an end but which is not yet conscious of its essential rationality. The rational will is one that consciously realizes all three moments of the will; it is not only intrinsically free, but knows itself to be free; it not only *accords* with the concept of the will but fully *corresponds* to it. This marks the end of the development of the will: the full actualization of the concept.

Hegel's thesis, which we will turn to in the next section, is that only the last of these shapes, the rational will, is truly free. Before we get to what this means, though, we need to become more familiar with the three shapes of the will that he considers. For this, it is helpful to see how all three of these shapes incorporate the three moments of the concept of the will we considered above (see pp. 36–40). The biggest obstacle to seeing this might appear to be presented by the first shape: the natural will. If the concept of the will requires indeterminacy – the “limitless infinity of absolute abstraction” from whatever “needs, desires, and drives” are given by nature – then it would appear that the natural will, which is defined as that will which “finds itself naturally determined” by its “drives, desires and inclinations,” is no existence of the will at all (*PR* §§5 and 11). But we now have the right philosophic terminology to untangle this apparent paradox. The natural will, as the will of a thinking being, is free “in itself,” having the capacity to abstract from its desires. This means that, unlike an animal, it has a self-conception and knows what it is doing: as Hegel puts it, it knows its ends as ends. If you ask why it is reaching for that apple, it can tell you, for it knows that the reason it is reaching for the apple is because it is hungry. But it is not free “for itself” because it does not yet regard itself as independent from its desires, rather it “finds itself” to be determined by its natural desires, drives, etc. Later in the *Philosophy of Right*, Hegel points to children and the uncivilized as examples of the natural will, of the will prior to the knowledge of good and evil.³⁸ The natural will should be understood, then, as a human will that conceives itself as a mere desire-satisfying animal, one that tacitly identifies its will, or its reasons to act, with its desires. This false self-conception does not make the will merely animalistic, of course – a true brute has no self-conception at all – but it does mean that such a will has an existence that contradicts its own concept.

As Adriaan Peperzak rightly notes, this shape of the will does not lack the three moments of the concept of the will, it just lacks consciousness of them.³⁹ The first moment of the concept of the will, indeterminacy, can be seen as implicit in the natural will insofar as it is conscious of its desires in a conceptualized form even though it does not recognize the freedom from desire that this conceptualization affords. The second moment, the positing of some determinate content as one's end, also occurs here in a merely implicit way, and so without proper self-consciousness. The natural will resolves to do something without any awareness that it has a choice in

³⁸ *PR* §139 A.

³⁹ Peperzak (2001), p. 201.

the matter, that it could have resolved on something else.⁴⁰ Because it lacks awareness of its power to choose, what it resolves to do is, by default, only what it is most aware of desiring. So the natural will is determined by its desires not in the way animals are determined, but in the way that a driver who is unaware the brakes in his car are in working order might be carried away by his car despite having the real capacity to stop the car whenever he chooses. The third moment of the will is realized insofar as the natural will experiences its own ends and activities as expressing its conscious desires. The natural will has a self-conception of itself as a desiring being; it tacitly identifies its will with these desires. This means that it has reasons of the most primitive sort: it does things because it wants to. When it resolves to eat an apple, it endorses this end as the object of its desire; the content, in Hegel's terms, is thus "entirely *mine*" despite being entirely dictated by desire (PR §11).

The second shape taken by the concept of the will is the arbitrary will (*Willkür*), which Hegel characterizes as the "mean position of reflection between the will as determined solely by natural drives and the will which is free in and for itself" (PR §15 R). It is easier to see the moments of the concept of the will in the arbitrary will because the arbitrary will is itself conscious of its own independence from its desires and of its own capacity to determine itself. The first moment, indeterminacy, is not merely implicit in its activity but is part of its own consciousness; its desires appear not as the immediate content of its will but as potential reasons to act, as a kind of menu of options that it can choose from. The arbitrary will does not identify its will with its immediate desires but rather takes any determination of its ends to be up to it. It experiences the second moment, particularization, not as the passive resolution of the complex of its desires into a single end, but as actively choosing something. The arbitrary will, in other words, fully distinguishes between what it wants and what it wills in the sense of chooses; this is what most distinguishes it

⁴⁰ On Allen Wood's reading, to resolve (*Beschliessen*) is to convert one's indeterminate natural wants into desires for some determinate object. To choose (*Wählen*), the characteristic activity of the arbitrary will, involves the further step of picking one of these now determinate wants to act upon (Wood 1990, p. 59). If this was all Hegel was saying, then natural will could not exist by itself in actuality: it would be a will that determined the content of its wants but had not yet converted these into any particular activity. I am suggesting that resolving needs to be understood as the primitive form of choice, as unconscious choice. But I think Hegel is trying to make both of these points; he is trying to simultaneously identify more primitive shapes of the rational will and to show how these previous shapes are retained as strata within the fully rational will. (Richard Dien Winfield makes this point in Winfield 2010, p. 110.) These are not incompatible tasks but, by doing them both at the same time, Hegel creates significant ambiguities about his meaning in any given passage.

from the merely natural will. Though it depends on the givenness of its desires to provide *possible* reasons, it takes itself to be unconstrained in which of these it will take as its *actual* end. It knows that the end that it ultimately adopts is up to it, and cannot be simply taken over from nature.

This is where slavery fits into Hegel's account of the development of the will. Because the slave is forced to work in the service of someone else's desire, Hegel says he "rises above the selfish individuality of his natural will" (*PM* §435 Z). He learns that he can act on ends that are not provided by his own desires, that he stands above his natural desires and inclinations and can choose which to act upon. For Hegel this is a crucial prerequisite for the kind of self-command required by the rational will. He goes so far as to say that the institution of human slavery marks "the *beginning* of true human freedom"; and that "all nations" must go through such a stage. Primitive slavery thus represents, for Hegel, the historical instantiation of this stage of the arbitrary will.

The arbitrary will is characterized by its awareness that it can step back from its desires and reflect on which of them it should realize. Of course, this reflection can take a variety of forms, and Hegel considers several of these. It can be impulsive; one can simply choose from moment to moment which desire to satisfy (*PR* §§14–15). It can be single-minded; one can reject all desires in the name of a single overriding passion (*PM* §473). It can also be thoughtful and comprehensive: one can aim to maximize the sum total of one's desires in an overall conception of happiness (*PR* §20). A desire becomes an actual reason to act, though, only by surviving this process, by being chosen. This means that the arbitrary will experiences a more robust kind of *beisichselbstsein* in its actions than we saw with the natural will. Its ends and activities express not what it desired to do, but what it chose to do, an end it (more or less) reflectively endorsed.

The third and final form of the will is the rational will (*der vernünftige Wille*) (*PR* §29 R and *PM* §482). The rational will is the "will that has being in and for itself" (*PR* §22), the existence of the will that fully corresponds to its concept. In this shape, the three moments of the concept of the will are not just implicitly present; they exist in a fully explicit, self-conscious form. As one might expect given the set-up, this shape of the will is characterized precisely by its reflexivity. Hegel says "[t]he will in its truth is such that what it wills, i.e. its content, is identical with the will itself, so that freedom is willed by freedom" (*PR* §21 A); and that it is the "free will which wills the free will" (*PR* §27). Hegel tries to make the rational will's reflexivity, its taking itself as its own object, more intelligible

by identifying three unique characteristics it has: it is “truly infinite” (*PR* §22), it is “completely with itself” (*PR* §23), and it is concretely “universal” (*PR* §24). These characteristics have proved both hard to differentiate and vague enough to accommodate many different readings. Dudley Knowles puts the interpretive problem quite vividly by saying that “Hegel seems to be pulling one rabbit after another out of a hat, each fantastical, each magical, each mystifyingly unintelligible.”⁴¹ I don’t think things are quite this bad.⁴² At any rate, the core idea here can be captured without recourse to these admittedly abstract logical determinations, if we first recall that what it is to have a will at all is to act on reasons. We have already seen two versions of this, one where desires provide the immediate content of my reasons to act or the ends I endorse, and another where choice determines my reasons. In both of these shapes of the will, our reasons or ends are subjective in the sense that having them is contingent on having a desire or having made a choice among one’s desires. When Hegel says that the rational will has *itself* as its content, that the free will wills itself, he is indicating that the rational will does not derive its reasons from elsewhere (from its desires or choices) but wills something, takes it to be its end, only insofar as this end is consistent with its own freedom. The rational will knows that it is essentially free and uses its understanding of the conditions of freedom as a criterion for choosing among the various incentives its desires present to it. This means that it is not merely implicitly rational, or conscious of having reasons; it knows itself as essentially rational, as having a will that is determined solely and exclusively by what it has a good reason to do. At this point in the discussion we need not trouble ourselves with any detailed account of the content of the reasons that the concept of freedom provides to the rational will, as we will explore Hegel’s typology of justificatory reasons extensively in [Chapter 3](#). What is crucial for our purposes here is that the rational will has objective reasons, reasons that are not contingent on its desires and choices. It takes itself to have reasons to do certain sorts of things (whatever is required by freedom) even if it does not desire to do them or has not chosen to do them. To put this in more Kantian terms, the natural and arbitrary wills are subject merely to hypothetical imperatives, whereas only the rational will is subject to a non-hypothetical or categorical one.

⁴¹ Knowles (2002), p. 48.

⁴² Nor does Knowles, ultimately. For a succinct explanation of what Hegel means by these bits of jargon, see Peperzak (2001), pp. 210–11.

Insofar as the rational will still has desires and still makes choices, the previous shapes are preserved within it, not entirely annulled. But the rational will does not identify its will, what it takes itself to have reason to do, with either its desires or its choices. Just as the crucial difference between the natural and arbitrary will is that only the latter consciously distinguishes between what it wants and what it wills in the sense of chooses, the crucial difference between the arbitrary and the rational will is that only the latter consciously distinguishes between what it wills in the sense of chooses and what it wills in the sense of having an objective reason to do. The rational will, in other words, identifies its will with what practical reason requires. To be clear: Hegel is *not* claiming that a being with a rational will always chooses to do the right thing, he is saying that even when it chooses to do the wrong thing, it knows it has sufficient reason not to have done that.⁴³ In these cases, it takes its will to be something other than what it chose to do; said more simply, it knows it did the wrong thing.

This might suggest that the rational will is just the arbitrary will with access to some rational standard. That may be so, but just as our consciousness of our power to reflect on our ends transforms our experience of desire, our consciousness of reasons, Hegel thinks, transforms both the phenomenology of human desire and the form that the particularization of our will takes. As to the first moment, desires are no longer either the automatic content of the will, nor just a menu of normatively inert options, they are provided a rational content by the activity of thought. Insofar as I am rational, I experience my desire for an apple as something I have a good reason to satisfy in order to preserve myself, or as something I have good reason not to satisfy if, say, the apple rightfully belongs to someone else.⁴⁴ Hegel puts this point in a variety of ways. He says that the drives are freed “from the subjectivity and contingency of their content, and restored to their substantial essence” (*PR* §19). He says reason confers an “immanent universality” on our desires (*PR* §13 R) and that ethical reasons are “received into the feeling will” (*PM* §472 Z).

⁴³ A classical objection against the idealist identification of the will with practical reason is that it implies that when we violate practical reason, this must be understood as against our will and so not our fault. See, e.g., the treatment of Hegel’s theory of the will in the first appendix of Hobhouse (1918).

⁴⁴ This picture of practical sensibility is indebted to Pinkard (2010), esp. pp. 144–46. Pinkard’s account, though, does not make the distinction I am concerned with here: between a more primitive, merely reflective form of agency and the robust form characteristic of the rational will; he thus leaves ambiguous exactly what it means to act on reasons *as reasons*, or what it means that desires show up as *goods* to be realized.

Hegel's claim is that reason informs human sensibility not just in a theoretical sense, by providing us with consciousness of the object of our desires, but also in a practical and evaluative sense. The natural will may experience apples as good or pleasurable to eat. The rational will, though, has desires that present it with objective reasons to act: it can see its hunger for an apple as providing a good reason to eat the apple, a reason that does not depend on its desires or choices. The second moment of the will, particularization, is thus no longer experienced as an activity that is formally independent from the moment of receptivity, as standing above our desires and conferring the status of reason upon our desires through its choices. Insofar as desires themselves are seen to have a rational content, one's formal freedom to choose between these desires does not itself determine what our reasons to act are. Particularization is a matter of conforming choice to the will where my will is understood not as determined by my desires, nor as utterly independent of them, but as the universal reason as presented in some particular desire. The third moment of the will, *beisichselbstsein*, is now experienced not as pleasure in doing what I wanted to, nor satisfaction in doing what I chose to do, but as finding my activity in harmony with my will (understood as practical reason). My ends and activity are mine in the highest sense only insofar as they reflect what I take myself as having an objective reason to do, one provided by my nature as a free being.

The three shapes of the will thus show us three ways we might find our actions as expressive of our reasons to act. In the natural will, my actions are mine insofar as they express what I wanted to do; in the arbitrary will, my actions are mine insofar as they express what I chose to do; and in the rational will, they are mine insofar as they express what I took myself to have an objective reason to do given my nature as a free being. This succession of shapes is developmental insofar as the former shapes are necessarily presupposed by the latter (you can't be conscious of choice, for example, without being conscious of your desires), and it is teleological insofar as the last shape represents the end-point of the process, a return to the original concept through self-consciousness.

The actually free will

We can now turn to the central thesis of the Introduction to the *Philosophy of Right*: Hegel's claim that only the rational will is actually free. What exactly does Hegel mean by this? In this section I will criticize a possible Kantian interpretation, and in the next I will present an alternative.

According to the Kantian interpretation of Hegel's thesis, what Hegel wants to show is that the will must be rational in the robust sense (i.e., self-consciously subject to objective reasons) if it is to be a will at all. The natural will and the arbitrary will must be understood as incorrect conceptions of the will – incorrect because they fail to incorporate some essential feature of willing as such. One way of doing this can be illuminated in terms of Rawls's well-known distinction between concept and conception.⁴⁵ At the beginning of *A Theory of Justice*, Rawls says that even when people disagree in their conceptions of justice, seeing different distributions of the benefits of social life as warranted, they can be said to agree on its basic concept. Justice is supposed to determine the "proper balance between the competing claims to the advantages of social life."⁴⁶ To argue for a specific conception is to show that this conception is best suited, or uniquely capable of solving the problem identified by the concept (in the case Rawls is interested in, the question concerned how we distribute the benefits and burdens of society). On the Kantian interpretation of the Introduction, Hegel is viewed as making a similar kind of argument, one that first identifies the concept of the will, what we need the will to do, and then considers three rival conceptions of how the will might do this. What Hegel wants to show, on this reading, is that the first two conceptions fail to do this and so are incorrect conceptions of the will. Since only the last conception, the rational will, is actually compatible with the concept of will, only the last is "actually free." Hegel's aim, on this reading, is to show that the will is always already rational in the strong sense and that is a mistake or confusion to think of the will in any other way. Hegel's argument is only developmental in the dialectical sense that the weaknesses of the earlier conceptions are supposed to be remedied and supplemented by the latter conceptions.

This sort of reading is Kantian in the sense that it effectively assimilates Hegel's position on the rational will to Kant's on the moral will. To see the parallel, which is indeed quite striking, we can briefly look at Christine Korsgaard's influential attempt to formulate Kant's argument. Kant's *concept* of the will, according to Korsgaard, is that of a "will which makes its choices independently of all alien influences."⁴⁷ What Kant wants to show, however, is that the moral will is the right *conception* of the will: it is

⁴⁵ For two examples of readings of Hegel that explicitly invoke the concept/conception distinction in this context, see Shelton (2003), pp. 157–58 and Yeomans (2011), p. 28.

⁴⁶ Rawls (1999), pp. 5–6. Rawls himself attributes this distinction to H. L. A. Hart.

⁴⁷ Korsgaard (1996), p. 162.

the only substantive way to understand what the will wills such that it would be genuinely independent of alien influences. Kant does this, first, by arguing that to genuinely will something we need not just a reason to do it but a reason to adopt the general maxim according to which we decide whether we have a reason to do it. If we do not have such a reason, our will is heteronomous, not truly free. Then he shows that this demand generates a regress unless we can arrive at some reason that is categorical, that does not itself depend on having some desire or having made some choice.

It is easy to read Hegel's argument as having the same form and, indeed, the same outcome. On such a reading, Hegel argues that the natural and arbitrary will both contradict the concept of the will because although they take themselves to be acting on reasons – for example, I did this because I wanted to do it, or because I chose to do it, or even because it will make me happy – neither shape can provide any reason as to why they should satisfy their desires, stick to their choices, or even aim at some overall satisfaction of their subjective desires.⁴⁸ That means that the content of the will, on these models, is ultimately being provided by something outside the will. Insofar as willing means acting on reasons, then, the natural and arbitrary will prove themselves to be illusory conceptions of the will since they are not genuine instances of the will's self-determination. It might look as if the natural will and the arbitrary will provide us with examples of acting on reasons, but reasons which bottom out in desires or choices are not actually expressive of me. In these inadequate models of the will, then, we do not really achieve *beisichselbstsein*. For that, my actions would need to express objective reasons. So insofar as we have a will at all, we must already be subject to such reasons.

There is no question that this reading gets something about Hegel's account right; Hegel is certainly concerned with challenging certain false conceptions of the will, chief among them being the representation of freedom as arbitrariness.⁴⁹ And he certainly thinks that the problem is that in these shapes of the will, what we do is not entirely justifiable by reasons, but bottoms out in something we did not will. But that Hegel cannot be claiming that the will is always already subject to objective reasons can be brought out quite clearly by recalling the way Hegel conceptualizes slavery. As we saw in the section above (pp. 40–1), Hegel describes the slave as implicitly rational, rational “in himself,” but not yet explicitly rational, or rational “for himself”; he accords with the concept of the will but his

⁴⁸ See *PR* §§16 and 17. ⁴⁹ *PR* §15 A, *EL* §145 A.

self-conception does not correspond to it. In more prosaic terms, the slave is properly classified as a being that acts on reasons despite the fact that he does not take himself to have objective reasons, reasons that are independent of his desires and choices. Hegel expresses the slave's somewhat paradoxical, even contradictory status by saying that he is "a will with no will of its own" (*PR* §26 A). Now if having reasons which are independent of our desires and choices is a necessary condition of willing as such, if one cannot be said to have a will *at all* without having such reasons, then we are forced to either deny that the slave has a will at all (the Aristotelian solution) or to impute a rational will to him despite the fact that he does not know he has any such reasons (the Kantian solution).⁵⁰ But Hegel clearly treats this as a false alternative – on his account, the slave has a will but does *not* exist in a free or rational condition. So whatever Hegel means by saying that only the rational will is actually free, he cannot mean that only the rational will is really a will.

Reading Hegel's argument in Kantian fashion leads to a misdiagnosis of the nature of the contradiction Hegel is trying to identify in the two inadequate shapes of the will. In the first section above, we showed that something can fail to accord with a concept, or it can fail to correspond to it. When something fails to accord with a concept, it is not a real instantiation of the concept: "if, for example, gold were given a different specific gravity from what it has, it would cease to be gold" (*PM* §382 Z). Hegel is quite clear that animals, for example, fail to accord with the concept of the will and consequently cannot be said to have a will in any sense at all. The standard reading effectively reads the Introduction as claiming that the natural and arbitrary wills cannot be said to be wills for the same reason: they fail to accord with the concept and so are not genuine instances of it. But, as we have seen, the natural and arbitrary will do not fail to accord with the concept of the will in *any* respect; in the last section we showed in some detail how they fully instantiate the three moments of the concept of the will. Indeed, Hegel is quite explicit that "whatever is merely in itself, only immediate, only natural" is "still *only in accordance* with its concept" (*PR* §10 A, my italics). What is characteristic of the immediate shape any concept takes in existence is precisely accord without correspondence.

The problem with these shapes of the will, then, concerns only the latter issue: their lack of correspondence with their concept. Hegel thinks it is characteristic of both living and spiritual beings that they have the power

⁵⁰ For this way of posing the antinomy, see *PR* §57 R.

to preserve themselves, to continue to exist, despite remaining in this particular sort of immanent contradiction. In such cases, disparity with the concept does not imply that the thing does not fall under the concept but that it is *defective*, that it ought to be different than it is.⁵¹ In natural beings, this disparity is characteristically expressed as disease: the emergence of conflict between one system or organ and the activity of the whole (PN §371). But we have already noted that in spiritual beings a failure to correspond to the concept can also take a further form: it can appear as a contradiction between what the being takes itself to be and what it is. As Hegel frequently reminds his readers, the philosophy of spirit as a whole is nothing other than the dialectical process of overcoming the contradiction between what spirit is “in itself” and what it is “for itself,” arriving at a self-conception that corresponds to our essence as spiritual beings. To say that the natural will and the arbitrary will contradict their concept, then, is not to deny that they are possible or even relatively stable forms of the will (slavery existed for a long time and, indeed, still exists in some places), it is only to claim that they have self-conceptions that are defective when measured against what they truly, but only implicitly, are: free and rational beings.

The Kantian reading, which focuses on these shapes as merely defective conceptions of the will, is thus only partially true. The case against these conceptions is certainly a necessary aspect of Hegel’s argument, but this is the story-within-the-story, not the main plot. Hegel is interested not only in showing that these self-conceptions are false in the sense of failing to correspond to the concept, but also in showing how these false self-conceptions can develop into the self-consciously rational will. Seeing Hegel’s argument in this way has significant consequences for our understanding of his theory of rational agency. Much of the current debate about practical reason concerns whether rational agency requires only hypothetical reasons (what I am calling subjective reasons) or also requires a commitment to non-hypothetical reasons (here, objective reasons) – indeed, Hegel himself has been enlisted on both sides of this debate.⁵² But we can now see that Hegel’s position is a kind of hybrid of these two positions. Although Hegel agrees with advocates of a more instrumental conception of agency that the will can exist without being subject to anything but hypothetical reasons, he also agrees with more Kantian accounts that the very concept of willing (acting on reasons) implies the possibility of non-hypothetical reasons, reasons that do not bottom out in

⁵¹ PM §472.

⁵² See Quante (1993).

contingent desires or choices.⁵³ He can have it both ways because he is not offering a mere analysis of the conditions of willing, but a developmental account, one that shows why the will must advance from an instrumental self-conception (such as we find in the natural and arbitrary will) to a more Kantian self-conception (the rational will) if it is to realize its full potential for rationality.⁵⁴

The normativity of the will

On the more Kantian reading of Hegel's argument that I have been sketching, the three shapes of the will are taken to be three competing conceptions of the will and Hegel's ambition is to show that the rational will is the correct conception: the only one that satisfies all of the conditions for willing. Hegel's strategy only differs from Kant's (and Rawls's for that matter) in that he puts these conceptions in a kind of ascending dialectical order. I have argued, though, that the three shapes of the will are in fact different species of willing or practical reason, different forms it can take in existence. If this is so, then the rational will cannot be differentiated from the other two forms the will takes by virtue of its capacity to act on reasons. Insofar as this capacity is criterial for willing, all the shapes of the will have it. I will now argue for an alternative reading according to which the rational will can be set apart from the other two shapes by virtue of its responsibility for what it does.

To see why only the rational will is responsible for what it does, we need to attend to an aspect of Hegel's theory of the will that is rarely thematized: his account of the normativity or "ought"-character of the will. This aspect of Hegel's theory of the will tends to be overlooked because it is most thoroughly developed not in the *Philosophy of Right* but in his lesser-known treatment of the will in the *Encyclopedia*. Georg Lukács is one of the few commentators who has brought attention to these passages on willing in the *Encyclopedia*, commending Hegel here for identifying a kind of practical "ought" that is more basic than the specifically moral "ought" that is Kant's main concern (and Hegel's own main concern in

⁵³ This is not intended to address the further question as to whether, on Hegel's account, these non-hypothetical reasons require the existence of desire in order to have motivational force.

⁵⁴ As Brady Bowman points out, it is a general methodological commitment of Hegel's that "any determination of an abstract structure" should be "regarded as incomplete until the internal necessity of that structure to realize itself in appearance has also been indicated or determined" (Bowman 2008, pp. 160–61).

the body of the *Philosophy of Right*).⁵⁵ According to Lukács, Kant's theory of the will distorts the phenomenon of willing insofar as it projects later, more developed features onto the ontological structure of the will as such, failing to recognize that there is a more basic form of practical normativity than subjection to the moral law. The importance of Hegel's account of the will in the *Encyclopedia*, from Lukács's point of view, is that it shows how Hegel partly freed himself from the idealist fetishizing of the moral "ought" by recognizing "that the 'ought' is an elementary, initial and original category of human existence."⁵⁶

We see this rudimentary, non-moral "ought" indicated by Hegel when he remarks that "[o]ught [*Sollen*] is an ambiguous term, indeed infinitely so, considering that contingent ends [*zufälligen Zwecke*] may also have the form of ought" (*PM* §472 R). Here Hegel makes it clear that even when one's ends are set by one's immediate desires or arbitrary choices, these ends nonetheless serve a normative function: they determine whether what one has done was successful or not. The ought-character of the will was, in fact, already implied by our previous discussion insofar as we identified a person's will with what she takes herself to have reason to do. For to take some consideration as a reason to act is just to think that one's behavior ought be controlled by it; insofar as one has reasons, then, one takes one's own behavior to be subject to evaluation according to its conformity with these reasons. All of this, for Hegel, is included in the concept of willing as such; it does not require the actually free will.⁵⁷

On Hegel's account, then, the problem with the natural and arbitrary wills is not that they lack access to some end by which their acts can be normatively evaluated as successful or not. The problem, as we shall now see, is that they lack access to the kind of end that is required in order to be held objectively responsible for what they have done. The natural will is

⁵⁵ Lukács (1980). Although this rightly captures the developmental nature of Hegel's own account, I think Lukács overlooks the fact that the distinction between a more basic form of practical normativity and a more robustly moral form is already present in Kant in the form of the distinction between hypothetical and categorical imperatives. Hegel differs from Kant (at least as he is now commonly read) not in distinguishing this more basic form of normativity but in claiming that practical beings could exist (and have existed) that were limited to instrumental reasoning.

⁵⁶ Lukács (1980), p. 71.

⁵⁷ *PM* §470. Immediate practical spirit is actually constituted by a double ought (*gedoppeltes Sollen*), one that is "in consciousness" and one that only "exists for the observer." The first is the will's own demand that what it does corresponds to what it took itself to have reason to do. The second guides the progression through the shapes of the will; it is the opposition between what the will is "in itself" and what it is "for itself," where the latter ought to conform to the former. It is worth noting that neither of these are specifically moral oughts, obligations individuals could be held responsible for failing to meet. (For a different reading of the second ought, see Ikäheimo 2004, esp. pp. 82–86).

that shape of the will that identifies its reasons with whatever it happens to desire. Its behavior can be assessed according to whether it achieves the object of its desire: the sign of success is pleasure and the sign of failure is displeasure. The arbitrary will is that shape of the will that identifies its reasons with its choices. It is satisfied when it does what it chose to do, and dissatisfied when it fails to. In both cases, though, the ends the will adopts are contingent in the sense that the will is not bound in any way to hold to them. So although there is a real sense in which the natural and arbitrary will can be evaluated for failing to achieve their respective ends, it is always possible for such a will to change its end (either by desiring it no longer, or choosing another end) rather than accept the failure. “Whatever the will has decided to choose,” Hegel says, “it can likewise relinquish” (*PR* §16). Since the question of whether the will has a certain end is a matter of desire or choice, both the question of what the will’s end is, and the related question of whether this behavior was successful or not, lack any objective determination. They are moving targets, infinitely revisable.

So when Hegel faults the natural and arbitrary wills for not being “infinitely” rational – for having reasons which bottom out in some fact for which no reason can be given – he is not claiming that this refutes their claim to being genuine forms of willing, or that it shows that they are already but unknowingly committed to some reasons that go beyond “because I wanted to” or “because I chose to.” Rather he is reproducing the dialectic by which the natural and arbitrary wills could themselves recognize their unfreedom: the fact that the ultimate ground for their actions is itself groundless. Historically speaking, this is a dialectic that he thinks took place just prior to the flourishing of the Greek city-states, “in the days of Croesus and Solon,” when thought “had not yet comprehended the will in its freedom, but reflects on its content as something natural and given” (*PR* §123 A). He is showing not that the will is always already free but how it became free through understanding itself in a new way.

What ultimately distinguishes the rational will from the other two shapes is precisely the recognition of objective reasons, reasons that are not contingent on the agent’s motivational tendencies or her choices, but which are tied to the conditions of the agent’s freedom.⁵⁸ It is the recognition of these sorts of reasons that transforms someone into a free

⁵⁸ Given Hegel’s account, of course, having objective reasons *is* contingent on something: namely, having come to recognize that one has them. As we will see in the [next chapter](#), the arrival of this self-conception has social and historical preconditions as well.

being: moving her from the space of merely pragmatic or instrumental reasons to the space of moral reasons broadly speaking. If I fail to achieve a contingent end, I can certainly admit that I failed to achieve what I set out to do, but if I no longer will the end, there is a sense in which I am freeing myself of any blame. But when a person with a rational will acts in a way that does not conform to what she takes herself to have reason to do, she cannot simply relinquish or change her end because this end is not the product of choice but the product of insight. It follows that she must accept responsibility for her failure to achieve her end. If someone takes herself to have an objective reason not to steal something, for example, this end necessarily continues to represent her will even if she desires to steal that thing or chooses to steal it. It is thus only the will that has achieved this self-consciousness of being subject to objective reasons, that can be held objectively responsible for failing to achieve its ends, responsible in a way that it cannot reject by desiring or choosing a new and different end. So when Hegel claims that only the rational will is actually free, one thing he means by this is that only the rational will is genuinely responsible for what it does.

Since Hegel does not so much as mention responsibility (*Schuld*) in the Introduction to the *Philosophy of Right*, this might look like, at best, a revisionary reading. In the [next chapter](#), we will be providing a more complete account of Hegel's theory of responsibility, one that provides more evidence for these claims by showing how the achievement of self-conscious freedom plays a crucial role in that theory. But let me close by turning to one place where Hegel himself explicitly describes the transition from the natural and arbitrary will to the rational will as involving the achievement of responsibility. In his 1817–18 *Lectures on Natural Right*, he says that

Man, as a spiritual being, must pass over into consciousness of the separation of the “I” and its thoughts. Innocence [*Unschuld*] is freely lost. Man should not be innocent [*unschuldig*] but responsible [*schuldig*], that is, what he does should be his work. Natural freedom [*natürliche Freiheit*], arbitrariness [*Willkür*], and desire must be freely sacrificed in the state.⁵⁹

In this passage Hegel suggests that it is precisely by transcending or “sacrificing” the natural and arbitrary will that one becomes responsible, that “what you do is your work” as he helpfully glosses it. Although it

⁵⁹ *PRW*, 212 (my translation). I will return to the necessary role of the state in Hegel's account of responsibility in the [next chapter](#).

might appear that the theme of responsibility entirely disappears in the version of the *Philosophy of Right* published in the following year, what has actually happened is just that Hegel has changed his terminology. Instead of saying that only the rational will is responsible, he says that only the rational will remains with itself “in objectivity” (*PR* §28); he says that although all shapes of the will are “with themselves” in their acts to some extent, only the rational will is “completely *with itself* [*schlechthin bei sich*]” (*PR* §23). The claim Hegel is making is that only the rational will is objectively expressed in its actions: expressed definitively and in such a way that it can be held responsible for what it has done.

Responsibility and innocence

In the [previous chapter](#), we saw that responsible agency requires the achievement of a self-conception that corresponds to our essence as free, rational beings. Hegel's theory of responsibility is unique, however, not only in emphasizing that responsible agency requires the right kind of self-conception, but also in contending that this achievement is impossible outside the right kind of social context. Human beings can become responsible, he says, only by being "reconstructed and put into a certain pattern of reconciliation" (*LPR* 3:204; *VPR* 3:137). But though the importance of sociality for Hegel's theory of responsible agency is widely acknowledged, there is no agreement about *what kind* of social recognition is required or about *why* agency depends on this kind of recognition.

The recent debate between Robert Pippin and John McDowell about the social dimensions of Hegel's theory of action nicely illustrates the extraordinarily wide range of answers currently on offer to these questions.¹ Pippin defends a comparatively radical position, insisting that agency for Hegel is a purely social status like being a professor; to count as a responsible agent, then, you must be freely acknowledged as one.² When you cease to be acknowledged as an agent, you cease to be one. Since the conditions of such free acknowledgment are only completely present in modern ethical life, Pippin concludes that responsible agency is only fully realizable in modernity. McDowell argues that this is implausible both in itself and as an interpretation of Hegel; the true Hegelian position, he argues, is that responsible agency is a capacity to act on reasons that one acquires through being socialized into a language community.³ Once somebody has been initiated into the space of reasons in this

¹ The two major points at issue between Pippin and McDowell concern whether agency is a recognitive status and whether our intentions are only fully discernible retrospectively (McDowell denies both). In this chapter, I will be dealing only with the first issue. In [Chapter 4](#), I will address the second.

² Pippin (2008), pp. 27–28. ³ McDowell (2009), p. 168.

manner, she is an agent and has no further need of recognition. Agency is not a social status, on this view, it is just genetically dependent on the process of socialization. Others have taken positions between these extremes, but no consensus seems to be emerging.

My goal in this chapter is to provide an overview of Hegel's theory of responsibility that enables us to both identify the kind of social recognition that Hegel thinks is important to agency and his basic argument for assigning it that importance. To do this, I take an indirect and surprisingly untraveled route, one that approaches Hegel's theory of responsibility (*Schuld*) through his theory of innocence (*Unschuld*). Although Hegel's discussions of innocence have received perceptive treatment by those commentators with theological interests, they have garnered little attention for what they might suggest about his theory of agency. By surveying the various cases of innocence Hegel identifies, I hope to show that we can arrive at a fresh and unobstructed view of the conditions Hegel thinks must be in place in order for someone to count as a responsible agent. An examination of these will indicate why he thinks these conditions matter, and why an individual could not be accounted fully responsible if she failed to satisfy them.

The first thing one notices when one compiles the various cases of innocence Hegel identifies is that they can be grouped into two basic categories.⁴ First, there are cases where innocence can be accounted for by the lack of certain necessary psychological capacities. We will see that the cases of animals, children, and the mentally deranged fall into this category. Second, there are those cases where innocence appears to stem not from the lack of any capacity, but from a defective social context. The three chief instances of such defective contexts in Hegel's writings are savagery, tribal patriarchy, and slavery. He describes individuals in both of these categories as existing in a "state of nature," because in both cases the concept of the will only exists in its most immediate or natural condition. The child, for example, simply identifies her will with her natural desires or inclinations; she has yet to oppose the nature that is within her and develop the capacity for rational action. Hegel describes individuals in savage or patriarchal circumstances with similar language, but here the

⁴ A distinction between "psychological" and "social" elements of Hegel's account of freedom is also drawn by Pippin, though Pippin's account differs from the one given here in claiming that the distinction is "artificial" and necessary only for expository purposes (Pippin 2008, p. 140). On my account, the distinction is more robust since a being can fully satisfy the psychological conditions on responsibility without satisfying the social ones. As we will see, the legal slave is the prime example of this.

notion of the state of nature is more than just a metaphor. What individuals in this second category have in common, we will see, is precisely that they exist outside the context of a positive legislative order (or, like slaves, lack recognition as persons within such an order). These individuals exist in a literal state of nature.

Our consideration of this second category of innocence will suggest that the *kind* of recognition responsible agency requires in order to exist fully and completely is political recognition: the sort of recognition that states give their citizens, not the sort that individuals could bilaterally give each other outside of the specific political context of a legitimate state. Insofar as existing interpretations of Hegel's social dependency thesis have taken the sociality of agency to be primarily a matter of upbringing or the mutual exchange of justificatory reasons by individuals, it will be argued that they have obscured the specific kind of sociality Hegel's account of responsibility requires: shared membership in a state. On the account I will be providing, then, McDowell makes it too easy to become an agent since he thinks it is possible in any social context, and Pippin makes it too hard since he thinks it requires something specific to modern ethical life. Hegel's position is that responsible agency is fully present as soon as we have established a positive legislative order that recognizes individuals as persons. In any condition that falls short of this, say a primitive patriarchal tribe, we are only responsible agents to a lesser degree or not at all. But the development of specifically modern institutions, though it increases our freedom, does not make us any more capable of agency in Hegel's sense.

Of course, without some account of *why* agency might depend on state recognition in order to fully exist, this position is bound to appear suspect. And if we cannot find any argument for this position in Hegel's works, that would give us a good reason not to attribute it to him. One recently popular strategy for vindicating Hegel's claims about the sociality of agency has been to view Hegel's assertions about this as empirical claims about the necessary social conditions for the development of our self-consciousness as responsible agents.⁵ Although this is undoubtedly part of the story, I will be offering a new interpretation of the argumentative basis of Hegel's sociality of agency that better fits his theory of innocence. I will show that Hegel's argument for the importance of state recognition is best understood as a radicalization of Kant's account of the *exeundum e statu naturali*. What Kant argues with regard to property rights – that they lack determinacy and validity in the state of nature – Hegel argues is true

⁵ This is the strategy adopted by Honneth (1995) and Patten (1999).

of *all* our rights and duties. By broadening Kant's account in this way, Hegel has the means to show why the purely pre-political condition is necessarily a state of innocence: a condition in which there is nothing to be responsible for and hence no way of being a responsible agent.

Schuld and Unschuld

Before we turn to the specific examples Hegel gives of innocence, it will be useful to consider briefly the terms Hegel uses to designate responsibility and its lack: *Schuld* and *Unschuld*. In their most common usage, *Schuld* and *Unschuld* imply a different but related contrast; they signify guilt or innocence for some particular crime or trespass. This can be an objective condition, as when someone has, as a matter of fact, violated some authoritative law; or it can be a subjective phenomenon, as when someone suffers from a sense of guilt. Hegel occasionally uses *Schuld* and its cognates in these common ways. For example, he says that a trial by jury is supposed to ensure that "the verdict of guilt or innocence [*Schuld oder Unschuld*] should emanate from the soul of the criminal" (*PR* §139 A), and he includes guilt (*Schuld*) among a list of feelings found in ordinary consciousness (*PR* §4 A). When used in this everyday sense, describing someone as *schuldig* means attributing either guilt or feelings of guilt to that person. Someone who is *unschuldig*, on the other hand, is someone who is not guilty in this sense.

More commonly, Hegel uses these terms to mark a second, more technical distinction. For example, in the passage from the *Philosophy of History* from which I quoted in the Introduction, Hegel says:

This is the hallmark of the high and absolute destiny of human beings, that they know what good and evil are, and know that the will itself is either good or evil – in a word, they can have responsibility [*er Schuld haben kann*], responsibility not only for evil but also for good; responsibility not simply for this or that or for everything that is around them or in them, but also responsibility for the good or evil that are inherent in their individual freedom. Only the animal is truly innocent [*wahrhaft unschuldig*].⁶

⁶ *LPWH*, 90–91; *VG*, 50–51. This last line might appear inconsistent with my claims that Hegel thinks humans in certain conditions are innocent. But "truly" is doing some important work here. Animals are "truly" innocent because their innocence does not mark a failure to correspond to their own concept – it is not a sign of "untruth" in Hegel's specific sense (for his notion of truth see *EL* §§172 and 178). By contrast, when humans are innocent, they exist in an *untrue* condition, a condition that contradicts their concept and which ought to be overcome.

Here, *Schuld* clearly indicates a specifically human capacity to be accountable for what you have done and for what you are. It cannot be understood as guilt in the narrow sense insofar as Hegel here speaks of the possibility of having *Schuld* for good. We see the same sense of the word at work in the *Philosophy of Right*, when Hegel claims that if one denies a criminal's *Schuld*, one is not vindicating him from a specific accusation, rather one is denying him the right and dignity of a human being.⁷ A third example of Hegel's use of *Schuld* as responsibility can be found in his treatment of tragedy in the *Lectures on Aesthetics*. There, he praises the Greek tragic hero for taking full responsibility (*Schuld*) for what he or she has done but explicitly denies that this directly implies either guilt or innocence (*Schuld oder Unschuld*) in the everyday sense. Having *Schuld* here is associated with identifying with what you do, seeing it as something you are fully accountable for. "No worse insult," Hegel says, "could be given to such a hero than to say that he had acted innocently (*unschuldig*). It is the honor of these great individuals to be responsible (*schuldig zu sein*)" (HA 2:1215; A 2:566).⁸ In all three of these contexts, *Schuld* has a positive meaning; it is not guilt for a wrong, but responsibility for what you do and what you are.

In a passage where Hegel is explicating the significance of the biblical myth of the Fall, he goes on to identify the condition of innocence with the failure to truly transcend our animality:

What we vacuously represent to ourselves, in taking the original condition of the human being to have been the condition of innocence [*Zustand der Unschuld*], is the state of nature, of animality. Humanity ought not be innocent [*unschuldig*], it ought not be animalic; insofar as a human being is good, it ought not be so in the sense that a natural thing is good. Rather it is up to its responsibility, its will, to be good – it ought to be *imputable* [*imputabel*]. Responsibility [*Schuld*] means, in a general sense, the possibility of imputation [*Imputabilität*]. The good person is good by and through his will by virtue of his responsibility. Innocence [*Unschuld*] means to be without a will – without indeed being evil, but also at the same time

⁷ PR §132 R. (See also PR §§100 R and 120 R.)

⁸ Daniel Berthold-Bond rejects the interpretation of *Schuld* as responsibility, suggesting that Hegel should instead be understood to be anticipating Heidegger's ontological concept of guilt (see Berthold-Bond 1995, pp. 170–71 and p. 251, n. 39). But, as we will see, *Schuld* is not a primordial feature of human existence for Hegel; it is a historical achievement consequent to the establishment of just laws (contrast the discussion of "Rechtsverletzung" in *Sein und Zeit*, Heidegger 1979, pp. 282–83). Hegel's concept of *Schuld*, unlike Heidegger's, necessarily presupposes reference to a specific sort of rational ought, one provided by the concept of freedom.

without being good. Natural things and animals are all good, but this kind of goodness cannot be attributed to humanity.⁹

To be innocent in the sense identified in the above passage is not merely to be free of guilt, it is to be in a condition in which neither good nor evil can be imputed to you. Hegel's use of *Unschuld* to signify not a lack of guilt but a lack of responsibility makes his discussions of *unschuldigkeit* of particular value in determining his theory of responsibility. The English word "innocence" has the same ambiguity – it is used in both of these senses – and so serves as a fitting translation of this term.

For the rest of this chapter, then, I will be treating the capacity for *Schuld* as the crucial criterion of agency, assuming that someone who Hegel describes as innocent (*unschuldig*) is to be understood as lacking agency either entirely or to some significant degree. This means that when I speak of responsible agency in Hegel, I mean it as a kind of pleonasm, as agency in the proper sense, not as a mere species of agency. There is, of course, a broader notion of agency available in the contemporary philosophical literature according to which an agent is simply a being capable of acting on intentions or conscious ends. Were we to adopt this alternative, broader definition of agency, which does not stipulate any connection with responsibility, then only a very weak social dependence view, one perhaps like McDowell's, would be plausible; for the mere capacity to act on a conscious end certainly looks like the sort of thing that can exist without continued recognition by others. I have adopted a narrower, more substantive definition of agency in order to track Hegel's way of using these terms. When Hegel speaks of agency (*Tätigkeit*) or being an agent (*Handelnde*), these must be understood by way of his specific notions of deed (*Tat*) and action (*Handlung*), and deeds and actions are nothing other than those external existences of the will for which we can be held responsible.¹⁰ As we saw in the last chapter, the broader notion of action as including all intentional acts corresponds to the phenomena that Hegel

⁹ *LPR* 3:298; *VPR* 3:223. In his discussion of the Fall of Man, Hegel explains the relation between religious depictions of *Schuld* and the historical record. "In religion," he says, "as in the portrayal of truth, what is essentially represented is the unfolded history of what humanity is" (*LPR* 3:204; *VPR* 3:137). Although the Fall depicts us as becoming responsible by eating the forbidden fruit, the prosaic reality of this is that we became responsible beings only when we were first "reconstructed and put into a certain pattern of reconciliation" (*ibid.*). On the interpretation I offer here, the specific "pattern of reconciliation" required for responsible agency is the state. This means that religious depictions of the Fall of Man are a kind of allegory for the exit from the state of nature.

¹⁰ On this point, I side with Houlgate (2010) against Quante (1993). I explore the differences between deed and action in Chapter 4. Until then, I will be using these terms as roughly synonymous, since this is Hegel's own practice outside of the *Philosophy of Right*.

conceptualizes under the concept of willing, and treats in his philosophy of psychology.¹¹ Although willing presupposes some degree of self-consciousness, and self-consciousness presupposes some sort of interpersonal recognition, we will see that Hegel's arguments concerning responsible agency go well beyond this weak sort of dependence on socialization.¹² With this connection between agency and responsibility stipulated, we can now turn to Hegel's account of innocence.

Psychological cases of innocence

I mentioned at the beginning of the chapter that the cases of innocence Hegel identifies can be grouped into two categories. The first group contains those examples of innocence that are a part of almost any theory of responsibility: animals, children, and the mentally unfit. The exclusion of animals, children, and the mentally unfit from the ranks of the responsible is usually justified on the grounds that they lack certain of the psychological capacities required for free action. In this section, I will temporarily put aside questions about the sociality of agency in order to focus on these more non-controversial cases, identifying Hegel's own reasons for describing animals, children, and the mentally incompetent as innocent (*unschuldig*). What is of particular interest in Hegel's account of these is that he does not explain psychological innocence by reference to the lack of a causal capacity (like control, counter-causal freedom, and so forth) but rather to an inability to find one's will expressed in what one does. These cases thus provide us with a reverse image of willing as *beisichselbstsein*, "being-with-yourself" in your ends and activity. They show us, in other words, what it looks like to fail to find your behavior as fully expressing your reasons to act.

We will start with the case of non-sapient animals. As we have already seen, Hegel distinguishes humans from mere animals by reference to the

¹¹ This interpretation will be defended more fully in the [next chapter](#). For the distinction between willing on the one hand and deed and action on the other, see *PM* §469 Z.

¹² There is some ambiguity in Pippin's account as to whether his social theory of agency concerns "willing" or "action." Pippin attributes to Hegel the view that "you have not executed your intention *successfully* if others cannot ascribe to you both the act-description and the intention you ascribe to yourself" (Pippin 2008, p. 150). This is only true, on the account I am giving, if "successfully" means "in a manner by which you could be held legally, morally or ethically responsible for it." An act has a necessary reference to others *only* when it makes an implicit claim to be justified, indeed, only then is it an action (*Handlung*) in the proper sense. This appears to be Pippin's own considered view (see, e.g., the role he gives practical reason in identification with deeds on p. 190), but Pippin's emphasis on success cuts across these distinctions. Although this emphasis on success might fit the *Phenomenology of Spirit*, it does not fit Hegel's mature account of action.

specifically human capacity for responsibility, claiming that only animals are truly innocent. To see what differentiates animals from humans, it is helpful to start by thinking about what they have in common on Hegel's account. Like humans, animals are practical beings; they act on intuitions of objects in their external environment and they do so in order to satisfy internal desires or inclinations. In a certain degenerate sense, then, even mere animals could be said to act because of reasons: the reason a bird eats a worm is because this worm will satisfy its hunger. If the worm gets away, the bird will keep looking for something to eat. But, for Hegel, all of this is not enough to justify claiming that the bird has a will, much less responsibility for what it does.

Throughout his works, Hegel claims that the difference between animal behavior and human action stems from the human capacity for conscious thought. In the *Science of Logic*, for example, he says:

The broad distinction between instinctive act [*instinktartige Tun*] and act which is intelligent and free is that the latter is performed consciously; when the content that motivates a subject to action is drawn out of its immediate unity with the subject and is made to stand before it as an object, then it is that the freedom of spirit begins.¹³

He describes the corresponding deficiency of animal consciousness in a variety of ways. He says that animal intelligence is limited to particulars or “discrete units of a sensuous nature,” that it does not rise to “universals” or “ideals” (*LPWH*, 49–50; *VG*, 56). This means that an animal's impulses “are not conscious of themselves” (*LPWH*, 49; *VG*, 56); or that an animal does not “represent to itself what it desires” (*PR* §4 Z). More specifically, he says “the animal still does not know its ends as ends” (*PN* §360 Z). All of this is certainly controversial as a characterization of animal life – much recent research in evolutionary anthropology has attempted to complicate any simple opposition between humanity and animality – but what we are mainly interested in here is the standard Hegel is using to exclude animals, not whether the standard is being correctly applied (for Hegel as for us, it is an empirical question as to whether or to what degree non-human animals fail to meet the relevant standard). And it is clear in all of these passages that what Hegel thinks animals lack is the right kind of consciousness: representational awareness of what they are doing.

On Hegel's account, when a bird feels hungry, it has a subjective intuition of something in its environment that would satisfy its hunger

¹³ *SL*, 17; *GW* 21:15.

and it is aware of acting in order to remove this felt deficiency. The human, by contrast, not only feels hungry, she knows herself to be hungry – she can place her desire under some universal characterization or concept. She not only has an intuition of something in her environment that could satisfy her hunger, she simplifies (*vereinfacht*) the content of her experience by conceptualizing it or idealizing it. Finally, she not only acts in order to satisfy her desires but because some course of action will satisfy her desire; she knows the reason why she is acting. In sum, she has an idea of her motive, of her environment, and of her reason for acting. It is in this way, Hegel thinks, that the capacity for representational thought radically transforms the experience and meaning of behavior. None of this, of course, implies that every time a human acts, she is consciously deliberating – Hegel clearly opposes any understanding of practical thinking as a primarily internal mental phenomenon, a conscious entertaining of representations. Hegel only claims that even largely un-self-conscious coping with an environment is implicitly conceptual; it shows or expresses a responsiveness to such thoughts.¹⁴

Why does this transformation matter for the ascription of responsible agency? Hegel says that knowledge makes it possible for man to hinder (*hemmen*) his impulses; to overcome or to break (*brechen*) his animal spontaneity (*LPWH*, pp. 49–50; *VG*, p. 57). This might sound like the exercise of some kind of capacity to cause self-movement, but self-movement is something humans share with animals on Hegel's account. Nor can this hindering be a capacity for acting independently of desire, since Hegel rejects the possibility of anything like that – most memorably, perhaps, in his claim that the “laurels of mere willing are dry leaves which never have been green” (*PR* §124 A). For Hegel, thought hinders impulse not by counteracting it but by creating distance between impulse and satisfaction. Thought gives us access to other desires that are not sensuously present and thus gives us the capacity to act on those rather than on our present impulses. The defect of animal behavior is its immediacy; when a hungry animal is presented with an object that could satisfy its hunger, it instinctively or automatically eats the object unless some other countervailing impulse (like fear of being punished) is also immediately present. The problem here is not that the animal is not initiating its own movement in such a case – in fact, it is – but that its

¹⁴ Terry Pinkard gives a very helpful characterization of the kind of “practical spontaneity” involved in human action, in Pinkard (2010), pp. 144–46. For a full treatment of the differences between animal and human agency according to Hegel, see Pinkard (2012), esp. pp. 17–44.

behavior is merely the natural and direct expression of whatever particular desires or instincts it happens to have at the moment instead of a judgment that can be attributed to the agent as a whole. A being capable of thought, however, has access to alternate courses of action, and so can weigh the benefits of satisfying current desires against the benefits of satisfying those not immediately present. So even when a human opts to satisfy a present desire, this expresses not just the desire itself but also an act of her own will; it expresses her reason. Without the availability of other courses of action to mediate behavior, there simply is no will in Hegel's sense. Animals lack responsibility, then, because they don't even satisfy the baseline conditions for willing.

We can see, then, that to be responsible for something you have done, Hegel thinks at the very least a practical being needs to have willed that something; responsible behavior needs to express not just a desire, but an end the subject has itself determined. The problem with an animal's activity is not that it is failing to initiate its own movement but that its behavior is merely the natural and direct expression of whatever desires or instincts it happens to have at the moment. Human behavior, by contrast, since it has been freed from this immediacy, expresses not just an occurrent desire but an end that was resolved upon by the agent. Since the ability to find your ends expressed in your activity is possible only with representational thought, such thought is one of the necessary psychological prerequisites of responsible agency.

Animals are the clearest case of innocence because they not only lack thought, they lack even a dormant capacity for it. This cannot be said of Hegel's second example of innocence, children.¹⁵ Indeed, on Hegel's account the course of childhood is characterized precisely by the development of this capacity for rationality from mere potency into actuality. In the *Philosophy of Spirit*, he divides childhood development into four stages; pre-partum, infancy, childhood, and youth (*PM* §396 Z).¹⁶ The first and second stage correspond to childhood in its vegetative and animalic states; in the first stage, the developing fetus cannot even be said to be a practical being yet, and, in the second, it is a mere infant or

¹⁵ "Children are not evil. No. Children are innocent; and that is because they have no will and are not yet accountable. It pertains to evil to be able to decide, to have a will, to possess insight into the nature of actions" (*LPR* 3:203; *VPR* 3:135).

¹⁶ The terms Hegel uses to identify these stages are misleading and inappropriate – particularly his use of "boyhood" (*Knabenalter*) to capture what we normally refer to as childhood. I have taken the liberty of providing my own terms, terms that I think better capture what Hegel actually says about the content of these stages.

baby, and lacks exactly the same thing the mere animal lacks: thought. These, then, are unproblematic examples of innocence, examples we can already account for. The fourth stage, on the other hand, is not an example of innocence at all; the arrival of youth involves the achievement of independence, of that “will and self-determination” which are the principal conditions of responsible agency (*LPS*, 98; *VP*G, 54). Only the third stage adds something to our discussion of innocence, as it indicates the existence of a condition that is both with thought but without responsibility. In the following, when I refer to childhood or children, I am referring to only this specific, intermediate stage between the thoughtlessness of infancy and the youth’s arrival at the age of accountability.

Childhood in this restricted sense is characterized, Hegel thinks, by a transition from interest in bodily play (physical engagement with the external world) to an interest in stories and education (intellectual engagement with the external world). What most distinguishes boys and girls at this stage is their gradual acquisition of language. Hegel says that it is through the child’s “increasing command of language that its intelligence rises more and more above the sensuous, from the individual to the universal, to thought” (*PM* §396 Z). This distance from the sensuous, the capacity to step back from it and consider it, is, as we have just seen, what animals lack. Through education, children learn the qualities of things, become acquainted with certain facts, and develop an interest in the world. There are limitations to their understanding, limitations that are in general only remedied in later stages, but these limitations are not severe; Hegel thinks it would be wrong to think that children at this stage cannot at least partially understand even religious and political notions. Unlike an animal or a baby, a boy or girl clearly knows what he or she is doing in some sense and knows whether it is considered good or bad. To put this in the terms of the last chapter, the child accords with the concept of the will – her activity expresses her reasons to act.

Children at this intermediate stage are nonetheless held to be innocent, according to Hegel, because they are not yet developmentally capable of having *genuine* insight into the good. Although they do have notions of right and wrong, these notions are rooted solely in the authority of their parents or their environment. What they lack is an understanding of why certain things are considered good and others evil. From a child’s point of view, what is good or evil is simply “something given” by an authority (*PM* §396 Z), something “laid down arbitrarily” (*LPWH*, 129; *VG*, 155). What distinguishes this stage of childhood from the following state, youth, is precisely that the latter involves the development of

personal convictions, however immature and one-sided, about the way the world should be. Insofar as boys and girls lack such insight into the substantial universal, as Hegel calls it, instead allowing their opinions about good and evil to be provided externally, he thinks that they “have no *moral* will and allow themselves to be determined by their parents” (*PR* §107 A, my italics), that their parents serve as their will (*LPS*, 98; *VPG*, 54). Whereas animals have no will at all, children lack a specifically moral will and in that sense have someone else *as* their will.

Again, although the claim that children are not responsible agents is a familiar one, it is worth asking why Hegel takes this kind of lack of insight to be incompatible with the ascription of responsibility. The brief discussion of childhood in the *Philosophy of Right* explains the innocence of children by reference to the “right of the subjective will” which Hegel glosses in this way: “the will can recognize something or *be* something only insofar as that thing is *its own* [*Seinige*], and insofar as the will is present to itself in its subjectivity” (*PR* §107). Now we have already seen that the child does know what it is doing, and it knows what its parents take to be right or wrong, but Hegel nonetheless denies that the child is in a position to recognize something it has done as *its own*. Hegel contrasts the child to the “cultivated (*gebildete*) and inwardly developing human being [who] wills that he should himself be present in everything he does” (*PR* §107 A). Like the animal’s lack of thought, Hegel holds that the child’s lack of moral insight leads to behavior in which his will is not fully present or his own. But here the problem is not that the behavior does not express ends at all, but that it is not expressive of real insight into the value of those ends. A child’s behavior is responsive to, and so expressive of, only its beliefs about what its parents take to be right and wrong – not its personal insight into what actually is right or wrong.¹⁷ Hegel clearly thinks that in order to characterize some behavior as a good or bad action, the agent must have had some knowledge of its goodness or badness. But since a child

¹⁷ Recently, Angela Smith has made a similar argument that we are responsible primarily for activity that reflects our evaluative judgments (Smith 2005). She takes this to imply that we are morally responsible not only for actions but also for our inner attitudes and passions, since they too are responsive to our evaluative judgments. In a sense, Hegel would agree with this: a responsible agent is partially constituted by *beisichselbstsein* in its ends, desires, etc., and this implies that its desires reflect or express its beliefs. Hegel believes, however, that human ends, desires, etc., are only truly realized in external existence (see the admittedly opaque discussion of this issue in *PR* §§8–9 and the similar discussion of *Gesinnung* (disposition) in *LNR* §53 R). He consistently rejects the intelligibility of the idea that we can be responsible for a disposition that we never act on, or which is “contradicted” by our actions, famously claiming that “man is nothing but the series of his acts” (*EL* §140 A).

(temporarily, of course) lacks the psychological sophistication necessary for such insight, he is not capable of recognizing the goodness or badness of what he has done as an expression of his own will. It is because of this developmental shortfall that the child cannot be held fully responsible for what he does.

In addition to animals and children, Hegel identifies a third class, “imbeciles [*Blödsinnigen*], the mentally deranged [*Verrückten*], and so on,” as also in a condition of absent or diminished imputability (see the remarks to *PR* §§120 and 132).¹⁸ In the *Philosophy of Right*, such cases of mental disability are used to illustrate insufficient development of thought (which we have seen in animals) or lack of insight into good and evil (which we have seen in children). These explanations are sufficient with respect to imbecility, but Hegel’s treatment of mental derangement (*Verrücktheit*) in the *Encyclopedia* shows that he thinks derangement sometimes presents something unique – a third phenomenon that cannot be completely assimilated to the other two forms of psychological innocence we have just looked at.¹⁹ Unlike animals, the deranged do not necessarily lack thought to any marked degree. Hegel points out that they are often quite aware of being in an asylum, they know their attendants and that the others there are deranged, and they can even be employed in a supervisory capacity. So their actions express their ends. Unlike children, they are not necessarily deficient in moral feelings or even insight. On this issue, Hegel defers to Philippe Pinel’s observation that he has nowhere seen as loving spouses and fathers than in asylums for the deranged, actions that clearly express a genuine awareness of rightness and wrongness. From these considerations, Hegel concludes that “the mentally deranged, besides their craziness on one point, at the same time possess a good, consistent consciousness, a correct grasp of things and the ability to act rationally [*die Fähigkeit eines verständigen Handelns*]” (*PM* §408 R).

Derangement is unique in that it represents not a complete lack of responsibility, but lack of responsibility only “on one point.” In the deranged person, there is some particular thought or feeling, an *idée fixe*, that is effective in determining beliefs or behavior but which cannot be

¹⁸ See also *PP*, 15: “To hold a man responsible for an action means to impute it to him or hold him accountable. Children who are still in a state of nature cannot be held accountable for their deeds, nor can the deranged or imbeciles” (translation modified). “Einem Menschen die Schuld einer Handlung beimessen, heißt sie ihm imputieren oder zurechnen. Kindern, die noch im Stande der Natur sind, kann man noch keine Handlung imputieren; sie sind noch nicht imputationsfähig; ebenso auch Verrückte oder Blödsinnige” (*TWA* 4:223).

¹⁹ *PM* §408 and A.

assimilated to “the whole mass of judgments forming the concrete consciousness” (*PM* §408). Hegel says that even though a deranged person is perfectly capable of understanding the world around himself, and knows he has no crown or retinue, he might nonetheless still believe that he is a king. On this point, and only on this point, he cannot be reasoned with. This kind of focused madness can also manifest itself in practice: “though he may have a horror of murder, [the madman] may be seized by a sudden irresistible desire to kill those who otherwise he loves tenderly” (*PM* §408 Z). Insofar as he is seized by an irresistible desire, the deranged person cannot be held responsible for what he is doing in this instance despite the fact that he is still, for the most part, a responsible agent or a moral being.²⁰

To understand what is going wrong here, what keeps the deranged from having responsibility for certain of their acts, it is useful to mark Hegel’s distinction between the kind of lapse from rationality that characterizes derangement from that which characterizes mere error or folly. Like madness, error involves an opposition between what an individual thinks or feels and what he ought to think or feel, but, unlike madness, this does not lead to any diminishment of responsibility. This is so, Hegel thinks, because an error is ultimately answerable to reasons, so can be seen as an expression of an individual’s intellectual and rational beliefs. A deranged person’s thoughts or feelings, on the other hand, are frozen – they are not fluid or revisable in the face of evidence that would contradict their rationality.²¹ Although a sane person might mistakenly or foolishly feel angry at a perceived slight, once the misunderstanding is cleared up or brought to the mind’s attention, the anger subsides enough to be controlled, repented of, etc. The feelings of a deranged person, on the other hand, show little or no responsiveness to revisions he makes in his own beliefs and convictions. Because of this lack of connection to the whole system of an agent’s judgments about himself and the world, they do not

²⁰ Because of this, Hegel thinks that, in general, the deranged should be treated *as if* they were responsible – “they can be made aware of the wrong they have committed, can be made accountable for it and punished for it, and can be made to see the justice of the punishment meted out to them.” The justification for this is therapeutic; by treating them as rational beings, “their better sense is encouraged and when this happens they gain confidence in their moral strength” and can thus recover (*PM* §408 A). In advocating this, Hegel was again following Philippe Pinel’s *Traité médico-philosophique sur alienation mentale* (1801). Pinel’s “moral treatment” of the insane is famously and extensively criticized in Foucault’s *Madness and Civilization* (Foucault 1973). For a balanced and helpful discussion of the comparative merits of Hegel’s philosophic approach to madness and Foucault’s genealogical approach, see Berthold-Bond (1995), chapter 8.

²¹ As Wallace (2005) puts the point, although such a person may understand the difference between right and wrong, she is “unable to bring this understanding to bear on her actions” (p. 25).

reflect his reasons to act. Since he cannot see such acts as even mistaken expressions of his own will, Hegel concludes that the agent cannot rightly be held responsible for them.

Our examination of Hegel's treatment of these cases of innocence has identified three related but different psychological presuppositions of responsible agency. An individual must be capable of thought (unlike an animal), she must be capable of having personal insight into right and wrong (unlike a child), and she must be capable of a kind of self-control: that is, her thoughts and desires must be fully responsive to her judgments about the world and about what she has grounds to do (unlike the mentally deranged). To the degree that someone lacks or has not developed the first two capacities, he cannot be held accountable for what he does in a general or global sense. Lacking the third leads to local breakdowns of responsible agency. A normal human adult is one that has all three of these capacities and so fully satisfies the psychological conditions for responsible agency. What is distinctive about Hegel's account up to this point is not that he believes there are psychological conditions for responsible agency, but only the notion of responsibility implicit in his account: the idea that responsibility requires that an agent be able to recognize her will as completely expressed in her behavior. Animals, children, and madmen lack responsibility because they cannot fully identify with what they have done, experiencing their behavior as an expression of their moral reasons (not instincts, a parent's will, or some kind of uncontrolled desire). For Hegel this is not a question of what caused the action, but of whether the agent re-encounters her own thought, insight, and reason in her activity. What debars a practical being from the status of responsibility is the lack of one of the psychological capacities that would make the achievement of this particular self-relation to one's deeds psychically possible.

Sociological cases of innocence

Although Hegel's claim that there are psychological capacities required for responsible agency is typical of philosophic treatments of the issue, the idea that responsibility also requires a certain social context has long been regarded as the more characteristic and controversial aspect of his view. It should be noted, however, that it is not the bare acceptance of some necessary role for social context in the development of agency that distinguishes Hegel's position from standard, more purely psychological accounts. Almost no one denies that the mental, linguistic, and emotional

development of human beings requires socialization in some community or other. This is little more than common sense. Hegel's distinctive claim, as we will see, is not that some basic socialization is a necessary condition for the development of responsible agency but that some specific social context is required, one that is not a universal feature of all human communities throughout history. Lest this seem simply incredible, it might be helpful to recall that we are thinking of agency in a fairly robust sense; Hegel need not deny that humans, however primitive their circumstances, have always been able act upon intentions.

We can see what is distinctive about Hegel's position by noting those forms of life that Hegel characterizes as states of innocence. The three most important of these are savagery, patriarchy, and slavery.²² The mere fact that Hegel identifies these three forms of human society as defective contexts for the development of responsible agency casts doubt on the sufficiency of McDowell's interpretation of the social dependency claim, according to which agency requires a social context primarily because being a speaker of some natural language is a prerequisite for responsiveness to reasons.²³ Hegel fully concedes that these primitive forms of human life include language – even poetry – yet he thinks they are nonetheless states of innocence. Although it is less obvious, these cases also raise questions about Pippin's interpretation of Hegel. According to Pippin, agency in Hegel admits of degrees and is only fully actual in those modern societies that have achieved universal mutual recognition, since it is only here that the reasons in circulation are genuinely justificatory. He says, “[A]ncient Egyptians, say, or ancient Greeks, or even early Christians cannot be counted as ‘very much’ agents; only ‘partially’ and in a preliminary sense.”²⁴ Insofar as Hegel admits of reduced or diminished responsibility, it is certainly right to attribute to him the position that agency admits of degrees. But the relevant spectrum of possibilities does not extend from pre-modern all the way up to modern societies, but rather from the state of nature (in the political sense) to the achievement of a positive legal order that recognizes its members as rights-bearing persons.

²² There are other forms of life that exist between the pure state of nature (savagery) and the formation of rational political institutions: despotism is a good example of this. Hegel claims, at one point, that every people must pass through such a phase on the way to forming themselves as a state (*PM* §435 Z). In despotic conditions, individuals are depicted as living in a perpetual state of nonage; they are punished as children and not as free persons (see, e.g., *VPG*, 142–49).

²³ McDowell (2009), pp. 166–84. Needless to say, McDowell's position on agency could still be substantively right even if it is not Hegel's. Here I am primarily concerned to show that he is not correctly capturing the scope of Hegel's claim.

²⁴ Pippin (2008), p. 17.

The Ancient Greeks, to focus on a crucial test case, are described as having the right kind of political institutions to count as having fully exited the state of nature, but as lacking the fully rational political and social order that Hegel thinks is characteristic of modern states.²⁵ But Hegel nowhere indicates that Greek agents were any less responsible for their actions than we are – in fact, he often stresses the exact opposite claim. He says of Socrates for example, that he “did not die an innocent [*unschuldig*] man; if he had it would not be tragic but merely moving” (*PH*, 418, *VPW*, 382). So what we need to explain is not Hegel’s belief that agency presupposes socialization into some linguistic community; although that is true, and true for Hegel, it does not need explaining. Nor do we need to explain why full agency requires modern social and political institutions, since Hegel never asserts that. What we need to understand is why Hegel claims that individuals in a pre-political condition are innocent, lacking agency in the full or complete sense.

We can start with the condition of savagery – which is, for Hegel, the most primitive form of human association. Robert Bernasconi has rightly described it as a “null point” from which the rest of Hegel’s philosophy of history follows.²⁶ Even here, at the first stage of human development, in the state of immediacy, Hegel insists we find social institutions restricting the behavior of individuals. What is characteristic of savagery is not a total lack of social organization, hierarchy, or custom – no human exists in such solitude – but social organization with an entirely arbitrary basis. Authority in this primitive state is based entirely on force and is a kind of tyranny or despotism without even a claim to legitimacy.²⁷ This is the historical location for what Hegel famously terms the “struggle for recognition.” In such a condition, brute force is employed by some against others in order to secure conformity with the will of the stronger. The resulting social unity is simply the product of the arbitrary will of the ruler, and is not considered by any of the individuals under it to have any intrinsic value or justification. Laws and customs are held in place simply by inertia, convenience, or the fear of punishment.

When living under savage conditions, Hegel says humans exist in a “state of innocence (*Stand der Unschuld*)” (*LPWH*, 178; *VG*, 218). Since Hegel often describes savagery as an animalistic condition, it would be tempting to simply view the innocence of savages as a consequence of

²⁵ The watershed moment, for Hegel, was the formation of the Greek city-states in the sixth century BCE: this is where he thinks responsible agency first came into full existence.

²⁶ Bernasconi (1998), p. 51. ²⁷ See *PR* §93 R and *LPWH*, 186; *VG*, 229.

the same lack of thought that separates mere animals from humans. But the savages Hegel is talking about certainly possess representational thought – they even have language and poetry – so the analogy with animal innocence does not help us much. In fact, Hegel consistently distinguishes between what he calls brute animality and human animality on the grounds that human existence always contains some form of intellectual development. Hegel thinks humans as such (and not under any special social conditions) are conscious of the difference between self and nature. Even the most primitive human existence already involves an understanding of the world as an objective entity outside itself that it can manipulate in various ways in order to satisfy various subjectively given ends.²⁸

Hegel says the characteristic defect of savagery is not that the savage does not make a distinction between himself and nature, but that he does not “stand in opposition to nature” (*LPWH*, 177; *VG*, 216). What Hegel means by this is that the savage does not consciously distinguish between what he naturally desires to do and what he takes to be right; he is submerged in the immediacy of his desires and impulses. Hegel evidently thinks that the only plausible source for the development of an internal standard of what is right is through the will’s coming to assent to some public standard. But although a savage might refrain from doing something that he wants to do because it violates some social norm, he does so not because he assents to it, or takes it to be valid, but only because somebody might punish him if he violates it. He is innocent because if he violates such a standard, he cannot see his actions as wrong, as violating a standard he himself has accepted as authoritative. An exit from savagery requires that the norms of social life be re-interpreted not as expression of the arbitrary will of the leader, but as willed by the individual himself. Once the

²⁸ These passages indicate that even if McDowell is wrong to think that responsible agency does not require any particular social context, he is right that thought’s answerability to objects is free of that requirement (McDowell 2009, p. 200). But although all sane adult humans, no matter how primitive, can think about things, Hegel does think there is a sort of thought – self-referential, philosophic thought – that, like responsibility, has significant social presuppositions. In his *Lectures on the History of Philosophy*, Hegel claims that “philosophy comes on the scene in history only where, and to the extent that, free political institutions are formed” (*LHP*, 89; *VGP*, 266). Philosophic thought thus has the same social preconditions as responsible action. This is undoubtedly a controversial thesis, one tied up with Hegel’s refusal to consider Eastern thought to be philosophy proper, but it does not imply the wildly implausible claim that McDowell rightly objects to, the claim that “members of downtrodden minorities, say, or those who oppress them, cannot have their empirical thinking controlled by objects they perceive” (McDowell 2009, p. 200). Mere thinking, like mere willing, belongs to the concept or essence of humanity and does not await that concept’s proper actualization in the state.

subjection to the will of another or the will of the group has been re-interpreted as a kind of self-subjection, savagery has been transcended and the individual becomes internally divided between his sense of right and his sense of desire. When this happens, social unity is no longer held in place by force alone, and by the fear such force engenders, but also by some kind of shared normative consensus.

But the bare transcendence of savagery is not sufficient for the development of responsibility according to Hegel, as one can see by examining what he has to say about patriarchy, his second example of a deficient social context for agency. Patriarchy, for Hegel, is the major intermediary condition between the struggle for recognition characteristic of savagery and the legitimacy of the law-governed or constitutional state.²⁹ Although it transcends savagery, Hegel says that it is nonetheless a condition of “dull innocence (*dumpfe Unschuld*)” (*PR* §349 R). In the *Philosophy of History*, he goes so far as to say that in patriarchal conditions, human behavior cannot be understood as action properly speaking, as “freedom giving itself an external embodiment and proper reality” (*LPWH*, 137; *VG*, 166). So we need to understand in what respect patriarchy marks an advance over savagery and why it is still an inhospitable environment for the full development of responsible agency.

The most important difference between savagery and patriarchy is that patriarchy is held together by what Hegel calls an ethical attitude. Patriarchy is an extension of the ethic of the family, the ethic of love and trust, beyond the biological family into a broader association of mutual service.³⁰ This natural ethic takes the place of fear in securing the norms of social interaction. In patriarchal social conditions, the unity of the individual with the whole is not a matter of arbitrary force but has become second nature, a rooted subjective ethical disposition. Through love and trust, individuals overcome the selfishness and egoism characteristic of savagery and become conscious of themselves as united with each other. In these conditions, the concerns and needs of the tribe or nation are internalized and so shared by its members. These members thus find themselves internally divided between the still-present impulses and desires of their biological existence and a newly emergent higher or universal self, which through love or loyalty partakes of unity with the whole tribe or nation.

²⁹ Although I will not treat them independently, Hegel appears to place nomadic tribes somewhere between savagery and patriarchal organization (see *PR* §331 R).

³⁰ *LPWH*, 99; *VG*, 118–19.

With the emergence of the internally divided soul, we might seem to have enough for responsibility – indeed, the primary obstacle we identified in savagery looks like it has been overcome. If the individual under patriarchal conditions violates the laws or customs of his group, what Hegel calls the “universal” of ethical life, the individual herself can be assumed to feel the force of the claims that can be made against her, to feel bad when she has done something wrong. Under these conditions, blame or punishment need no longer be experienced as a sheerly external imposition, a matter of being subject to an arbitrary will.³¹ To the contrary, an individual in a patriarchy can be assumed to have a kind of reverence for the authority of the patriarch, a reverence parallel to a child’s reverence for his or her parents, although in this case it does not stem from any lack of psychological maturity. It might seem that blame for a transgression is warranted in patriarchal circumstances insofar as the individual can be correctly assumed to have had some relevant internal reason to act otherwise than she did.³²

Hegel claims, however, that this is not enough: responsibility requires not only the achievement of subjective unity with “the universal of ethical life” it also requires the “conscious willing” of that unity (*LPWH*, 100–01; *VG*, 120). One’s emotional identification with the universal norms of ethical life must become a matter of consciousness, volition, and knowledge. Although the adult members of a patriarchal society have a developed capacity for insight into the rationality of the norms they live according to – they are not literally children – they live under circumstances where this psychological capacity is given no application. In patriarchal societies, whatever the implicit rationality of the laws and customs, they are actually accepted not because of any publicly available justification, because they are the necessary conditions for the freedom of the individual, but simply because they are the laws and customs of the group or the will of the patriarch. Norms are internalized as authoritative, but their authority is not based on the rational assent of the subject. Members of such societies are innocent, then, because they are effectively

³¹ On this point, Hegel’s theory of responsibility bears an interesting resemblance to Nietzsche’s account of the origins of *Schuld*, which also emphasizes the crucial role that the state plays in the development of consciousness of guilt (*On the Genealogy of Morals*, 11:16). Hegel differs from Nietzsche not in thinking that responsibility presupposes some historical act of domination – he fully accepts this – but rather in believing that power (*Macht*) is only the “apparent nexus [*erscheinende Zusammenhang*]” of the state, which has “substantial nexus [*substantieller Zusammenhang*]” in the necessary conditions for the actualization of human freedom (*PM* §484).

³² See Williams (1981). For more extended discussions of Hegel’s theory of moral action in light of Williams’s distinction between internal and external reasons, see Halbig (2009) and Moyer (2011).

in a state of perpetual nonage, a condition where they cannot see the norms they are subject to as rationally justified, or rather where the question of legitimacy cannot even arise.

Savage and patriarchal conditions both provide an inadequate social context for the development of agency because they do not allow individuals to achieve a certain self-conception, one in which they take themselves to be bound to only those standards whose justification they have insight into.³³ Hegel suggests that the achievement of this kind of self-conception can only result from the internalization of social norms that are taken to be rationally justified. In savage and patriarchal circumstances this achievement is impossible not because individuals in these circumstances lack reason or the ability to recognize it but because they lack exposure to rationally justified norms.

But that mere exposure to rightful conditions is not enough is shown by the third state of innocence Hegel considers: slavery. If all that were needed for the development of responsible agency, though, was such exposure, then it would appear likely that at least legal slaves, those slaves who exist within rightful conditions but are not recognized as citizens, would be capable of developing into responsible agents even though they are refused formal recognition.³⁴ But in the *Philosophy of Right*, Hegel is clearly committed to denying that slaves can be considered responsible agents.³⁵ He characterizes the slave as someone who is not conscious of his freedom and so has not yet become “his own property as distinct from that of others” (PR §57), and he goes on to say that it is precisely in “the act whereby I take possession of my personality and substantial essence” that “I make myself [*make mich*] a being capable of rights and accountability [*Rechts- und Zurechnungsfähigkeit*], morality and religiosity” (PR §66 R, my translation). For Hegel, then, it is precisely by transcending the condition of slavery, by taking possession of one’s personality, that one “makes oneself” a responsible agent, someone to whom actions can be

³³ See Patten (1999), p. 128.

³⁴ In the following, I do not give any special treatment of non-legal slavery, i.e., slavery outside of a positive legal order that sanctions it, because non-legal slaves will likely lack responsibility for the same reasons that individuals in savage or patriarchal circumstances do. For my purposes, the case of the legal slave is the more philosophically interesting one because it suggests that what the slave needs is recognition *per se*, not just consciousness of his own freedom by being recognized as free.

³⁵ So far as I know, there is no place where Hegel explicitly characterizes slaves as innocent (*unschuldig*). But there are three claims in the *Philosophy of Right* that directly imply this. One is discussed above: he says that it is only by taking possession of one’s body that one becomes capable of accountability. A second is his comparison of the will of the slave with the will of a child as “a will with no will of its own” (PR §26 A). A third is his claim that slaves lack rights and duties (PR §155 A and 261 R).

imputed.³⁶ The innocence characteristic of legal slavery, then, would appear to point beyond both the psychological requirements of responsibility and the sociological requirement that individuals be exposed to rational norms. As to the former: Hegel explicitly denies the traditional Aristotelian doctrine that slaves naturally lack the foresight or thought required for responsible action. As to the latter: he clearly allows that slaves are innocent despite being exposed to valid norms and capable of acting in light of them; Roman slaves, he points out, even had the authority to execute contracts for their masters.

What exactly is missing here and why is it relevant for attribution of responsible agency? On Hegel's account, the crucial deficiency of slaves is a lack of consciousness of their own freedom.³⁷ He says "the basic principle of slavery is that man is not yet conscious of his freedom and consequently sinks to the level of a mere object or worthless article" (*LPWH*, 183; *VG*, 225–26). In the *Philosophy of Right*, he identifies this self-consciousness as the presupposition of all normative standing:

The slave does not know his essence, his infinity, his freedom; he does not know himself as an essence – he does not know himself as such, for he does not *think* himself. This self-consciousness which comprehends itself as essence through thought and thereby divests itself of the contingent and untrue constitutes the principle of right, of morality, and of all ethics.³⁸

Hegel's claim is that it is not enough to be exposed to rationally valid norms to develop consciousness of freedom, one must take oneself to be subject to those norms; and this, or so he seems to believe, is only possible when one is recognized by others as free.

All three of these social contexts are defective because they prevent individuals who have the capacity for agency, psychologically normal

³⁶ Some commentators have claimed that Hegel holds slaves at least partially responsible for slavery (see, e.g., Williams 1997, p. 147 and Buck-Morss 2000, p. 859). This is suggested by Nisbet's misleading translation of the Addition to *PR* §57: "But if someone is a slave his own will is responsible, just as the responsibility lies with the will of a people if its will is subjugated," but Hegel does not claim that such slaves are responsible or accountable for slavery but that "it lies in their will [*liegt in seinem Willen*]," which is non-committal on the question of responsibility. In the *Randbemerkungen* to *PR* §57, he goes on to explicitly deny that either masters or slaves, though they together sustain the institution of slavery, have any responsibility (*Schuld*) for it.

³⁷ In *The Ethics of Ambiguity*, Simone de Beauvoir makes a similar claim, attributing the innocence of slaves to their not having "raised themselves to the consciousness of slavery" (Beauvoir 1962, p. 37). Her account is different, however, insofar as it is more individualistic: the achievement of this consciousness does not require the attainment of mutual recognition; what the slave lacks is just knowledge that the values of the master class are questionable, can be challenged. Once the slave has this knowledge, the resignation of freedom becomes a "positive fault" (*ibid.*, p. 38).

³⁸ *PR* §21 A.

human adults, from actually coming to understanding themselves as free responsible agents. To this extent, Hegel's social theory of agency rests on a set of empirical claims about the social prerequisites for the genesis or causal development of the kind of self-conception required by responsible agency. Savagery is inhospitable to agency, because when all authority is arbitrary, individuals are inhibited from developing any internal division between what they want to do and what they think is right. In patriarchal circumstances, individuals are capable of overcoming the egoism of savagery in the name of an ethical universal that they emotionally identify with, but they have no conscious insight into the rationality or validity of communal norms and so will fail to develop any consciousness of being rationally bound to certain norms. In the case of slavery, we find individuals within legitimate states but who are denied recognition as belonging to these states, who are treated as property and not as property owners. By being treated as slaves, they are prevented from coming to a self-realization of their nature as free, responsible beings in their own right.

The ontological dependency thesis

Hegel's basic claim that social context plays an important enabling role in the genesis of the kind of self-conception necessary for agency has been recently developed and celebrated by both Axel Honneth and Alan Patten. In *The Struggle for Recognition*, Honneth credits Hegel with anticipating the Meadian insight that "the formation of the practical self presupposes mutual recognition between subjects. Not until both individuals see themselves confirmed by the other as independent can they mutually reach an understanding of themselves as autonomously acting, individual selves."³⁹ Honneth's own project thus involves keeping this insight and rejecting the putatively metaphysical assumptions that accompany it in Hegel in favor of a purely empirical reconstruction. Alan Patten concurs with Honneth that what is of enduring philosophic interest in Hegel's account are several "empirically falsifiable claims about the relation between individual development and social institutions."⁴⁰ Though Patten emphasizes the institutional dimension of Hegel's account more than Honneth does, he characterizes Hegel's basic claim about that relation in a similar way: "The attitudes and capacities that make up free and rational agency cannot reliably be sustained in the state

³⁹ Honneth (1995), p. 68.

⁴⁰ Patten (1999), p. 123.

of nature but only in the context of social institutions, including the rational state.”⁴¹ According to both Honneth and Patten, then, Hegel’s signal achievement in this area was to be the first to notice that the acquisition of those attitudes and self-conceptions required by individual agency depends on the right kind of socialization – an insight that we can now place on purely empirical foundations.

But although Honneth and Patten agree that this is the part of Hegel’s theory of agency that is most worth salvaging, they both also acknowledge that Hegel thought he had a stronger, non-empirical argument for why the individual agent depends on the state. Indeed, one of the most notorious aspects of Hegel’s thought is surely his supposed insistence on the ontological primacy of the state over the individual. In the *Philosophy of Right*, for example, he says “it is only through being a member of a state that the individual himself has objectivity, truth, and ethical life” (*PR* §258 A). Similar statements can be found throughout his works, some which put the point in even stronger terms. These passages have often been taken to indicate that Hegel thought individuals require the state not only for the development and sustenance of the right self-conception but also in order to be constituted as responsible agents, as beings with rights and duties they can be held accountable for violating. They suggest that one simply cannot exist as a responsible agent in the full sense if one is not a recognized member of the state; one is such an agent only by virtue of belonging to the state.

This position might seem indefensible insofar as it seems to imply that if someone ceased to be a recognized citizen of a state, her agency would cease or be diminished. Indeed, McDowell claims that the implausibility of this implication should lead us to look for alternative interpretations of the ontological dependency claim.⁴² But Hegel himself explicitly accepts just that supposedly indefensible implication of the ontological dependency thesis. He claims that the loss of state recognition for someone would mean a loss of his status as a responsible agent.⁴³ In his 1817–18 *Lectures on*

⁴¹ *Ibid.*, p. 116. Patten, like Pippin, links full agency to the rational or modern state, not the state as such.

⁴² McDowell’s argument for the wild implausibility of this claim rests on assimilating the social dependence claim to a claim about the need for being a speaker of a natural language. It can be conceded to McDowell that being a speaker of English is a status that someone can have regardless of being recognized: when she is on a desert island with a tape-recorder, etc. But then the right response is to argue that agency is not like that status.

⁴³ On this point, Roy Tsao has pointed out a striking link between Hegel and Hannah Arendt, who also claims that stateless persons are deprived of their right to action, the right to live in a framework where they are judged by their actions (Tsao 2004, pp. 125–33).

Natural Right, he considers the case of someone who rejects citizenship, opposing his particular will to the state. He claims that such an individual returns to the “state of nature” and is to be considered “devoid of rights, wholly lacking in dignity” (*LNR* §124; *VNS*, 173). In short, he returns to the condition of innocence. When facing such an individual, Hegel says the state has an absolute right to coerce the individual to leave the natural condition because in it individuals cannot be free, responsible agents; they cannot actualize their nature as rational beings. So Hegel’s claim that agency requires a certain social context is not limited to empirical generalizations about the necessary conditions for the genesis of the particular self-conception required by agency. If that were all he was claiming, an individual would have no further need of the state after he had acquired this self-conception, and could, in principle at least, continue to exist as a responsible agent in the full sense even if he lost recognition by the state. But insofar as this means returning to the state of nature, Hegel thinks they are not only unlikely to be able to sustain their self-conception as responsible agents (the empirical claim), he thinks they lose the context in which such a status can be realized (the ontological one). So even if we must ultimately reject this latter aspect of Hegel’s view because of its extravagance, there can be little doubt that Hegel believes responsible agency depends on the right social context not only for its genesis, as Patten and Honneth show, but also for its continued existence.

The state of nature

We can now provide an overview of Hegel’s theory of responsible agency. To be a fully responsible agent, someone must satisfy three conditions. First, she must have all of the psychological capacities required in order to experience her actions as expressions of her own reasons to act. Second, she must have been brought up in an environment that allows her to arrive at a particular self-conception, one where she is self-conscious of her freedom, of being subject only to those norms which are reasonable. Third, she must be a recognized member of a state.

Since this third condition raises the specter of social constructivism, and is by far the most controversial aspect of Hegel’s theory of responsibility, it is worth emphasizing two things about the importance of state recognition in constituting individuals as responsible agents. The first is that we are talking about full responsibility: a condition in which you are objectively accountable for the right or wrong that you do. There are certainly reduced forms of agency that are possible outside the state, conditions where your

responsibility is ambiguous because it is contingent to some degree on your willingness to take responsibility for what you do. Hegel's account of action prior to the birth of the Greek city-states, in what he calls the Heroic Age, fits this description. The other thing worth emphasizing is that Hegel does not assert that state recognition *by itself* is enough to constitute someone as an agent.⁴⁴ If a political community decided to recognize small children as full agents, punishing them as if they were adults, this would be a mistake; it would not successfully constitute children as truly responsible beings even for that society. Similarly, Hegel thinks it would be a mistake for any nation to abruptly impose political freedoms on adults who have known nothing but slavery, for such a people could not be said to have developed the self-consciousness of freedom that is necessary for full responsibility.⁴⁵ Recognition only makes someone a responsible agent if she already has the requisite natural capacities and has achieved the right self-conception. Hegel's claim that agency is an intrinsically social status, then, does not involve a denial of the importance of these other two factors, it only involves a denial that these are sufficient for agency. His claim is that individuals in the state of nature, even if they have the right capacities and have developed the right self-conception, cannot achieve full responsibility unless they achieve recognition as citizens of some state.⁴⁶

Our last task, then, is to understand why this particular kind of recognition matters for responsibility, or to put the matter negatively,

⁴⁴ Robert Pippin, who has done the most to develop the idea of agency as a social status, is sometimes thought to deny this, as in passages where he suggests that there is no "truth-maker or fact of the matter" about whether someone is an agent (Pippin 2008, p. 155). But in other passages, he fully concedes, as indeed he ought to, that agency is also at least partially an individually owned capacity (see, e.g., *ibid.*, p. 240). Even a boot-strapping view of agency like Pippin's presupposes the natural capacity to boot-strap (for a fuller development of this point, see Testa 2012). My view is like Pippin's in emphasizing that agency is a social status, but unlike his in viewing citizenship as partially constitutive of that status.

⁴⁵ He says: "Slavery is unjust in and for itself, for the essence of man is freedom; but he must first become mature before he can be free. Thus, it is more fitting and correct that slavery should be eliminated gradually than that it should be done away with at once" (*LPWH*, 184; *VG*, 226). In fact, he asserts that *every* people needs to go through a period of despotism or slavery in order to become "free, rational, and capable of command" (*PM* §435 Z). Susan Buck-Morss argues that this apology for existing slave societies signifies a retreat from his earlier radicalism, one that falls back on the cultural racism Hegel exhibits throughout his works (Buck-Morss 2000, pp. 858–64). But as she also notes, it is quite consistent with Hegel's general emphasis on the importance of cultural prerequisites for freedom, particularly the importance of religious education in forming the will. A brief summary of Hegel's admittedly troubling views on slavery and race is provided by Pinkard (2012), pp. 81–82, n. 55.

⁴⁶ Someone is in the state of nature, for Hegel, insofar as they are not recognized as a person. This includes, although it might sound strange to put it this way, legal slaves and even children.

we need to understand why Hegel thinks the state of nature (*Naturzustand*) is necessarily a condition of innocence (*Stand der Unschuld*). Although this latter claim is also associated with Rousseau, we have seen enough to know that Hegel means something quite different than Rousseau. Hegel explicitly rejects the Rousseauvian view that individuals in the natural condition are innocent in the sense of being uncorrupted or naively good, asserting instead that the state of nature is a condition of “lack of right, of violence, of uncontrolled natural impulses, of inhuman deeds and emotions” (*PH*, 103; *VP*, 175). When Hegel says the state of nature is a condition of innocence he means “innocence” in his own, non-ideal sense of the word; he is saying that individuals in the state of nature lack responsibility: good or evil cannot be objectively imputed to them.⁴⁷

I shall argue that Hegel’s argument for the necessary innocence of the state of nature is best understood as a radicalization of Kant’s well-known account of the *exeundum e statu naturali* in the first part of the *Metaphysics of Morals*. We know from Rosenkranz that this is a text Hegel studied quite carefully after its publication, having written a commentary on it that has since been lost.⁴⁸ In the *Metaphysics of Morals*, Kant attempts to provide a fully *a priori* account of the insufficiencies of the state of nature, one that entails that we have a duty to exit the state of nature, not just good prudential reasons to do so. Kant does this by showing that there is some basic normative entitlement we have as persons, the right to property, that can only be fully realized in a rightful condition. Before we get to Hegel’s transformation of this argument, it will be useful to reconstruct Kant’s version in some detail.

Kant’s own argument begins by identifying what he calls the “Universal Principle of Right.” This is our right to as much freedom from the interference or constraint of others in our external actions as can coexist with the like freedom of everyone else according to a universal law (*MM* 6:230). Kant is explicit that this is an innate or natural right, one people have “by virtue of their humanity” and so “independently of

⁴⁷ In these passages, Hegel is clearly criticizing the picture of the state of nature provided in the *Second Discourse*. These criticisms do not fit, however, what Rousseau says about the natural condition in *On the Social Contract*. There, Rousseau describes the natural condition of humanity as a kind of slavery to mere appetite that is only overcome in the civil state. He says it is only *after* we are transformed by our membership in civil society that our actions are finally endowed “with the morality they previously lacked” (Rousseau 1997b, pp. 53–54). As we will see, this coincides quite closely with Hegel’s own position.

⁴⁸ Rosenkranz (1844). For a discussion of the relation of the *Philosophy of Right* to the *Metaphysics of Morals*, see Speight (1997).

any act that would establish such a right [*rechtliche Akt*]” (*MM* 6:237).⁴⁹ It follows that we are obligated to respect this right even in the state of nature, prior to the establishment of any civil authority. There are questions, though, as to what it means to respect this right. Kant argues that the Universal Principle of Right implies a right to the undisturbed control of both our bodies and some external objects in the world (at least insofar as the use of these things is compatible with granting the same freedom to others). But there is a crucial difference between the way our right to our body and our right to property are derived from this innate right. Our right to our bodies automatically follows from this original right since our rightful possession of our bodies is not contingent on any act of acquisition. For this reason, it is unproblematic or indisputable: since we are always in sensible possession of our bodies and cannot rightfully alienate them, there can be no ambiguity about whether our claim to our respective bodies is in force. Even in the state of nature, then, we have certain rights; we are wronged when our bodies are coerced and we wrong others when we do not respect their bodily integrity.

Although the extension of the Universal Principle of Right to our bodies is automatic and unproblematic, the extension to cover external objects is neither. The principle implies that I have a right to my body and to whatever things I am immediately using, but it does not by itself show I have a right to things as such, independently of my physical possession of them. To show that I have a right to property, I would need to show how I could rightly exclude others from the use of a thing even when I am not in physical possession of it (something I do not need to show, Kant says, with respect to my body). Kant argues that it would be irrational to deny that we can own things in this latter sense, since such a denial would restrict our freedom in a way that is incompatible with our innate right to as much external freedom as is compatible with granting the same right to others. But, as Arthur Ripstein has recently shown in some detail, Kant’s account identifies three related problems with actually establishing exclusive rights to external things in the state

⁴⁹ In the following discussion, I will be adopting Kant’s distinction between natural right and acquired right (see *MM* 6:236). For others in the social contract tradition, these are not mutually exclusive categories. According to Locke, for example, a right to property is both provided by natural law and, with regard to any given case of ownership, dependent on an act of appropriation (see Locke 1988, pp. 285–302). It follows that someone can have come to own something in the state of nature without leaving “room for Controversie about the Title” (*ibid.*, p. 302). For Kant, though, since any unilateral act of appropriation is necessarily controversial, no right that requires an act of appropriation can be secured independently of civil authority. Hegel, as we will see, thinks all actual rights are of this kind; natural rights are just potential rights that have not yet been acquired.

of nature.⁵⁰ The first is the problem of unilateral acquisition. In acquiring a particular thing, I place others under an obligation not to use it or interfere with it, but Kant argues that I can unilaterally place you under some new obligation only if this act is already authorized by some more general will which we are both obligated to (otherwise you need not recognize my claim). Second, in order for me to be under an obligation to respect the external objects of others, I need some assurance others will respect the claims I make. But for this assurance to be consistent with my independence from the choices of others, it cannot be dependent on their contingent will to respect my rights, but must be provided by “a collective, general and powerful will” (*MM* 6:256). Third, there is a problem with determinacy. Although the boundaries of one’s body might be considered natural and unambiguous, the question of the limits to someone’s external possessions can only be resolved if there is some shared, authoritative mechanism for resolving disputes about these limits. In the state of nature, then, property claims are not universally recognized, they lack any assurance of being honored, and they lack determinacy. Absent a solution to these three problems, Kant finds that “no one is bound to refrain from encroaching on what another possesses”; indeed, those who coerce or feud with each other in the state of nature “do one another no wrong at all” (*MM* 6:307). Our rights to external property in the state of nature are thus provisional or tentative, and not yet conclusive or valid (*MM* 6:257).

What we need to resolve these three problems, according to Kant, is a general or common will that has the legislative authority to authorize individual acquisition, the executive authority to provide assurance that property claims will be enforced, and the judicial authority to resolve cases of indeterminacy. The state, on Kant’s account, is precisely that union of a multitude of individual wills that satisfies these three conditions, and thus can establish our property claims as conclusive. Since the Universal Principle of Right entails that we are entitled to property rights, but such rights are not possible outside a state, Kant concludes that we have an *a priori* duty to exit the state of nature and enter into a civil condition. When we fail to do so, we do “wrong in the highest degree” because we “take any validity away from the concept of right itself and hand everything over to savage violence” (*MM* 6:308).

Before moving on to identify the modifications Hegel makes in this argument, it is worth noticing how it prefigures the kind of social

⁵⁰ Ripstein (2009), chapter 6. These three problems have been developed in various ways in the literature and with different emphases. The above account is also indebted to Ebels-Duggan (2012).

constructivism usually associated with post-Kantian philosophy.⁵¹ Although Kant is certainly not suggesting that agency itself depends on recognition, he does appear to be committed to the claim that being a property owner is an essentially recognitive status. Individuals in Kant's state of nature cannot be property owners not because they lack the psychological capacities required for ownership, or even because they have not been acculturated into the characteristic practices of ownership (though both of these might be true) but because no one can conclusively acquire or own anything in such a context. It is "only in a civil condition," Kant says, that "something can be mine or yours" (*MM* 6:256). On Kant's account, then, the state does not secure antecedently valid property claims made by individual property owners, as in Locke's famous account, rather it makes provisional claims valid by legally recognizing them. It follows from this that one can only be a property owner insofar as one is recognized by the state as someone who is entitled to make property claims since such recognition is a precondition of owning any particular thing. It is in this sense that being a property owner is a social status that depends on recognition by the state. It is worth emphasizing that it is not recognition as such that can solve the problem Kant identifies, but only *state* recognition. If my property claims ultimately depend on a contingent decision that others make to recognize my claims, then I am not truly free. It is only when others are legally compelled to recognize my property that I actually have property rights.⁵²

Radicalizing Kant's argument

That Hegel fully endorses Kant's basic argument has been obscured by the fact that he translates Kant's distinction between provisional and conclusive rights into his own somewhat idiosyncratic philosophic vocabulary. In the *Philosophy of Right*, Hegel marks the same distinction by contrasting right "in itself" and right which has achieved "actuality" or "objective existence" (*PR* §211).⁵³ Right "in itself" is treated in Abstract Right, where

⁵¹ This connection has also been stressed by Pippin (2006).

⁵² Attempts to rehabilitate Hegel's theory of recognition that focus on the master–bondsmen dialectic, like Brandom (2007), typically fail to appreciate that he inherits this crucial Kantian commitment, thus (I think) misunderstanding how the appeal to recognition is supposed to be relevant to the grounding of normative obligations.

⁵³ We see this with particular clarity in the propaedeutical writings, where Hegel splits his *Rechtslehre* into two chapters, one corresponding to "*das Recht an sich*" and a second to "*sein Bestehen in der Staatsgesellschaft*" (*PP*, 22; *TWA* 4:232). These chapters directly correspond to the two chapters of Kant's own *Rechtslehre*: Private Right and Public Right.

Hegel provides an articulation of the basic structure of property claims that is independent of their being posited as law by the state. The seeming self-sufficiency of this section from later parts of the book might give someone the mistaken impression that Hegel rejects the Kantian argument and endorses an essentially Lockean account of property acquisition, that he thinks one can acquire determinate property rights and execute contracts without the mediation of any political institutions.⁵⁴ But reading Hegel this way would be to overlook the dialectical location of the claims being made here. According to the last section of Abstract Right, rights claims are not truly actual (*wirklich*) or valid (*gültig*) until the violation of such claims can be enforced without generating a new infringement of right.⁵⁵ But that condition, Hegel argues, cannot be met in the state of nature because any unilateral enforcement of rights claims gives rise to an infinite cycle of revenge, one that can only be ended with the establishment of legitimate political authority.⁵⁶ It is thus quite misleading to read Abstract Right independently of the discussion of the judicial system in the later sections of the *Philosophy of Right*, since it is only when right “in itself” has been posited as law that Hegel thinks we can speak of it as truly actual or as genuinely binding.⁵⁷ So although Hegel's account of ownership in the state of nature differs from Kant's in its emphasis on problems of enforcement rather than problems with acquisition, his ultimate position is the same: he thinks that the basic structure of our property rights can be conceptually articulated without reference to the state, but that these rights only become actual or conclusive in a civil condition.

Hegel departs from Kant only in broadening the scope of this argument. He wants to show that what is true of being a property owner in Kant's account is also true of being a responsible agent as such: it is a status one can only have by virtue of belonging to a state, and this is because claims about what I am responsible for, like claims about what belongs to me, cannot be actual, valid, or binding except in a state. What he has to show, then, is that what is true of determinations of mine and thine in Kant is also true, *pace* Kant, of right and wrong as such. That this is Hegel's position is clear as early as his Jena *Philosophy of Spirit* (1805–06), which describes the natural condition as one in which individuals “have no rights,

⁵⁴ This is not a common misreading, but see, e.g., Cristi (1995) and Ripstein (2009), p. 97.

⁵⁵ *PR* §82. ⁵⁶ *Ibid.*, §§102–103.

⁵⁷ *Ibid.*, §§211–212. Again, this conclusion is stated unequivocally in the *The Philosophical Propaedeutic*: “The state of nature is the condition of barbarism, violence, and lack of right. Man must leave such a condition and enter into civil society because only there do rightful relations have actuality [*weil nur in ihr das rechtliche Verhältnis Wirklichkeit hat*]” (*PP*, 33; *TWA* 4:247).

no obligations towards one another, but acquire them only in leaving that situation.”⁵⁸ Hegel continues to endorse this position in his Heidelberg lectures on natural right, saying that “a condition that could be described as a state of nature would be one wherein there were no such things as right and wrong” (*LNR*, 53; *VNS*, 7). Indeed, the three parts of the *Elements of the Philosophy of Right* constitute an argument to just this effect, showing that the abstract rights that we have by virtue of our external freedom and the moral duties we have by virtue of our internal freedom cannot exist independently, but need the state as their “support and foundation” (*PR* §141 A). But we need not provide a complete reconstruction of the *Philosophy of Right* in order to motivate Hegel’s claim about the innocence of the state of nature since it follows from Kant’s own argument once one makes two crucial modifications in it, modifications which we turn to now.

The first change Hegel makes to Kant’s basic argument is to reject his distinction between natural rights and acquired rights. We saw that on Kant’s account there is a profound asymmetry between our rights to our bodies and our rights to other external things: we have a right to our body by nature whereas our right to any given external object must be acquired and requires certain conventions to be in place. In the Kantian state of nature, humans naturally exist as persons with rights to the undisturbed control of their bodies; they need to enter into a civil association only in order to secure their right to external things. Hegel, however, does not think we can distinguish personal rights from property rights in this way. He claims that “personal right is in essence a *right of things* – ‘thing’ being understood in its general sense as everything external to my freedom, including even my body and my life” (*PR* §40 R). So although Hegel later concedes that there is an important difference between our right to our body and to external things (namely, the body is inalienable), he thinks both should be understood as the will expressing itself in property, in an external thing. Like anything else, then, we have a right to our body only through consciously taking possession of it with our will. A slave is precisely someone who has not done this, who has not yet “become his own property” (*PR* §57). And Hegel is clear on what the consequences of this failure are. He says it is precisely in “the act whereby I take possession of my personality and substantial essence” that “I make myself [*mache mich*] a being capable of rights and accountability [*Rechts- und Zurechnungsfähigkeit*],

⁵⁸ Quoted by Franco (1999), p. 73.

morality and religiosity" (PR §66 R). On Hegel's picture, then, we have no rights merely by nature; *all* rights are acquired.⁵⁹

A consequence of this first modification is that right itself is made vulnerable to all of the problems that, in Kant's account, pertain only to external property. It is not only property claims that cannot be made actual or conclusive in the state of nature, but *any* rights claims, even those we make to the undisturbed use of our bodies. These claims are only effective insofar as they have secured recognition. Since we only exist as persons insofar as there is some external sphere in which we have a right to freely move, our status as persons is, for Hegel, just as problematic as our status as property owners. Insofar as we live in a context where no one recognizes the claim we make to our bodies, we have no more right to them than we do to external property – we simply exist in a pre-rightful condition, one characterized precisely by the struggle for recognition as rights-bearing persons.

Of course, showing that we have no rights in the state of nature does not yet imply that the state of nature is a state of innocence. Kant differs from Hegel not only in asserting that we have rights in the state of nature, but also in asserting that we have moral duties there. And if we have moral duties, there are things we are responsible for doing or failing to do as moral subjects regardless of the indeterminacy or provisionality of the claims we make as rights-bearing persons. Hegel needs to make a second modification in Kant's argument, then, if he wants to establish that the state of nature is truly a condition of innocence: he needs to show that we can have no duties there either. This second step in Hegel's radicalization of Kant's argument is made when he argues that the determinacy of our moral duties is entirely dependent on the establishment of our rights as persons. This is what is at stake in his famous criticism of the empty formalism of Kantian ethics in the *Philosophy of Right*. Hegel notoriously claims that Kant's formula of universal legislation, which enjoins us to act only on a maxim or intention that we could also will as a universal law, does not "contain any principle apart from formal identity and . . . absence

⁵⁹ The more precise way of putting the above point is to say we have no *effective* or *valid* rights by nature. For Hegel, the rights we have by nature (or pursuant to the concept of freedom) all require some act of appropriation in order to become actual. That is to say, they must become positive. But although Hegel rejects the idea that there are any norms that have validity in the state of nature, he does not reject the idea that a just political order must correspond to the concept or nature of freedom. Any law that fails to correspond to these determinations is *merely* positive. Hegel provides a helpful discussion of the concept of natural right in *LNR*, 52; *VNS*, 6–7. I will return to the distinctions he makes there in [Chapter 5](#).

of contradiction.” He thinks it can only be used to arrive at any particular conclusion insofar as one has brought in “material *from outside*” (PR §135 R). But although the point is rarely clearly registered, the precise material that Hegel thinks needs to be brought in from the outside in order to give the law content concerns the existence and validity of our personal and property rights. This is clear from his development of the empty formalism objection:

The fact that no property is present is in itself no more contradictory than is non-existence of this or that individual people, family, etc., or *the complete absence of human life*. But if it is already established and presupposed that property and human life exist and should be respected then it is a contradiction to commit theft or murder; a contradiction must be a contradiction with something, that is, with a content which is already fundamentally present as an established principle.

Kant, of course, thought he had independently established that we have an innate right to our lives, and he thought that within any given state, we also have the right to our property. Hegel’s claim is only that until these two rights claims are brought in, the formula of universal legislation will give us no guidance, no determinate principles as to how to act. If Hegel is right about this, then his argument that we have no rights in the state of nature directly implies that we also have no determinate duties there, for it is precisely our rights that provide our duties with their content.

There is no way to do justice here to the various Kantian replies that have been made to the empty formalism objection, the lynchpin of Hegel’s second step in radicalizing Kant’s argument, but it is perhaps illuminating to consider how Hegel would meet one line of response.⁶⁰ Even if the formula of universal legislation itself is empty, it has been thought that Kant’s other two formulations of the categorical imperative are not; they point us to a definite content that is supposed to fall out of the categorical imperative itself, namely, the dignity of persons as ends-in-themselves. Kant’s Formula of Humanity, in particular, makes this aspect of Kant’s moral teaching quite explicit, enjoining us to act so that we “use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (G, 4:429). Hegel could, of

⁶⁰ An excellent summary of the intricacies of the debate surrounding the emptiness objection has recently been provided in Freyenhagen (2011). My approach builds on Sally Sedgwick’s. She emphasizes that the emptiness objection is primarily aimed at showing that “Kant’s own applications of the law are possible only with the help of presupposed content” (Sedgwick 2011, p. 278). My account goes beyond Sedgwick’s only in adding that the content that must be presupposed is, for Hegel, only available for use after it has been ratified by the state.

course, deny that this second formula can be deduced from the categorical imperative. But the real problem, from the Hegelian point of view, is elsewhere, it concerns whether there is any determinacy to this obligation to not treat others merely as a means and under what conditions we can recognize others as moral persons. As to the first issue, there is at least a *prima facie* case to be made that what it means to treat someone as a means can only be determined by reference to her rights.⁶¹ Kant himself says that the violations of the formula of humanity are clearest in cases where someone's freedom or property is being assaulted; by taking someone's property, for example, we are not letting them use something they have a right to use for their own ends (*G*, 4:430). There is, of course, no problem with someone taking something that does not belong to them, even if taking it would keep them from being able to use it. What considerations like this show, Hegel would argue, is that the requirement that we respect other persons as ends-in-themselves only has determinate content insofar as they have some sphere of external freedom that they are entitled to control. It is only insofar as someone has a right to their body or property that we would be morally wrong to use their bodies or things for our own ends. Otherwise, there is no way to wrong them at all.

The second obstacle to deriving content from the formula of humanity is more decisive and points to a famous lacuna in Kant's argument: Kant's failure to show why we must recognize any biological human as a person in the moral sense.⁶² The formula of humanity simply presupposes that we do recognize all humans as persons in this sense, as ends-in-themselves. But if Hegel is right that personhood itself is a historically achieved status and not a natural fact, then the formula of humanity will lack any application in some circumstances (like the state of nature) and even when

⁶¹ Japa Pallikkathayil argues that this is partially true even from a Kantian point of view. She shows that the content of *many* of our duties, even seemingly non-political duties like that of telling the truth, "depends on the results of political philosophy and, indeed, on the results of actual political decision making" (Pallikkathayil 2010, p. 117). She does not think that *all* duties entailed by the formula of humanity depend on establishing external rights, because she thinks that one person can treat another as a means in two ways: either by violating her rights or by expressing "the denial of the claim that the person has equal practical standing in virtue of her humanity" (*ibid.*, pp. 141–42). Although we cannot determine the scope of someone's rights outside of a civil condition, this difficulty does not attend wrongful denials that they have rights (insult, defamation, ridicule, etc.). A further and deeper dissimilarity between Pallikkathayil's Kant and Hegel as I read him is that for the former the state is only necessary to determine boundaries for our rights as persons; it plays no role in *constituting* us as rights-bearing persons.

⁶² Fichte, of course, attempts to fill in this lacuna by providing a transcendental account of why we must recognize other persons in the *Foundations of Natural Right*. Hegel's own, more historical account is clearly building on the presumed failure of Fichte's deduction.

it does apply its scope will vary depending on who has achieved this status. Of course, much more would have to be said to address the many Kantian responses to these objections that have been made and could be made. But it should be clear that once one has accepted Hegel's account of personhood as an acquired status, his claim about the emptiness of the moral point of view will look much easier to vindicate. For Hegel's point is not that Kant's morality is empty as it stands, which is indeed false, but that it gets its content from historically existing patterns of recognition and *would be* empty if it were considered independently of this context. This is a much more plausible claim, one that might even be true.

Conclusion

By approaching Hegel's theory of responsibility through his theory of innocence, we were able to see that Hegel thinks responsible agency has psychological, social-developmental, and institutional conditions. Most provocatively, Hegel thinks that to be an agent in the fullest sense, someone must be recognized as a rights-bearing person by a state (bilateral recognition from other individuals is not enough). Hegel makes his case for this by radicalizing a central line of argumentation in Kant's political theory, which purports to deduce a rational obligation to exit the state of nature from the need for conclusive property rights. Hegel goes beyond Kant, first, by treating all rights claims (not just property claims) as provisional until they are secured by the state, and second, by showing that the content of our duties is derived from our rights. Together these modifications entail that humans in the state of nature are innocent; the good or bad of what they do cannot be objectively imputed to them.

None of this implies that individuals in the state of nature cannot recognize themselves and others as responsible agents in some minimal sense. On Hegel's own account, individuals in the state of nature can certainly recognize each other as capable of entering into contracts, they can accept blame when they have failed to keep up their end of the bargain, and they can pursue a course of revenge when they feel they have been cheated. None of this requires the existence of the state. But in such circumstances, Hegel thinks there is nothing more to being in the right than taking oneself to be in the right; nothing more to being a responsible agent than being contingently recognized as one. This shows itself to be a problem because when there is a conflict of opinions about who is in the right, or who has normative standing, there is no way to objectively settle the matter, no way to settle it, that is, in a manner that all of the parties

are rationally bound to accept. Hegel's claim about the inherent sociality of agency is a claim that this problem needs to be resolved before individuals can count as fully responsible agents, and that is only resolved in the state.

Although Hegel's argument for this is best understood by tracing its lineage back to Kant's deduction of an obligation to exit the state of nature, it is worth drawing attention to one crucial respect in which their arguments are quite different. Although both Kant and Hegel claim that individuals ought to exit the state of nature, they mean quite different things by this. Kant means that we have a duty to exit the state of nature – we wrong others if we fail to do so. But on Hegel's account, we can have neither a right nor duty to exit that condition for we only have actual rights and duties insofar as we have already exited it. The imperative to exit the state of nature is thus, for Hegel, an absolute or ontological one: it is only by entering the civil condition that we realize our essence, becoming the kind of creatures who are subject to legal, moral, and ethical norms. Insofar as Kant followed the social contract tradition in his attempt to legitimate the authority of the state by reference to reasons individuals have independently of it, he was trying to do what, from the Hegelian point of view, is simply impossible. Although we can have good reasons to remain in a given state for Hegel, we can never have objectively binding reasons to enter one, for it is only membership in a state that subjects us to such reasons in the first place.

Action and the spheres of right

Up to this point, we have been more concerned with Hegel's theory of responsible agency than with his theory of action. We have seen that a responsible agent, for Hegel, is someone who knows herself to be subject to some standard of right and wrong that transcends her desires and choices. And we have seen that Hegel thinks achieving this self-conception is impossible in the state of nature because an individual only has actual (*wirklich*) rights and duties when she is a recognized member of a state. Implicit in this account of responsible agency is a certain picture of action and its justification, one that I will now try to more fully articulate and defend. According to that picture, the concept of action (*Handlung*) must be restricted to the kind of behavior that can be evaluated according to whether it is justified or not; and actions are justified to the degree that they conform to those *a priori* determinations of right that have achieved actuality in existing laws and customs. What complicates matters, and has made it difficult to discern the general structure of Hegel's theory of action, is that in the *Philosophy of Right* Hegel identifies several basic "concepts" or "spheres" of right – Abstract Right, Morality, Ethical Life, etc. – each appearing to stand in a different relation to action. In this chapter, we will trace the thread of action as it runs through these spheres.

One way to avoid these complications, of course, is to contend that action is only properly viewed from *one* of these spheres. Given that Hegel's only sustained discussion of action in the *Philosophy of Right* occurs in the Morality section, it is easy to understand the temptation to try to derive Hegel's mature philosophy of action from the moral point of view alone.¹ On such an interpretation, the preceding section (Abstract Right) is a sort of prologue – one that abstracts away from the intentions and

¹ I am thinking primarily of Quante (1993) here. For a more sustained and detailed criticism of Quante's interpretation, see Alznauer (2013).

motives which are the *sine qua non* of action – and the following section (Ethical Life) marks a kind of change of topic: a shift away from individual action to social institutions. I hope to show that this way of approaching Hegel's philosophy of action is a mistake and one with a high cost. Hegel's concept of action is much richer than the notion of action required by the moral standpoint, and it continues to develop throughout his discussion of the other concepts of right. By paying attention to the changing role action plays in each of the various spheres of right, I will show that Hegel's *Philosophy of Right* implies a complex four-dimensional model of action which is developed in tandem with a sophisticated account of the hierarchy of justificatory reasons under which actions can be evaluated. When understood this way, Hegel's philosophy of action can be seen to integrate the more psychological aspects of agency thematized by contemporary, post-Wittgensteinian theories, and the more sociological aspects that have been central to post-Weberian debates about action theory by placing them both within a single normative framework.² He shows that all of this must be brought into the picture in order for us to fully and completely determine the scope of our responsibility.

I will lay Hegel's theory of action and its justification out in three steps. First, I will identify Hegel's basic concept of action. Drawing on my earlier discussion of the difference between willing and responsible agency proper, I show that he understands actions (*Handlungen*) not as events that are done for reasons, as has been argued for example by Quante (1993), but as the subcategory of events done for reasons which make an implicit claim to be rationally justified. I will argue that action is intrinsically social in the very specific sense that it makes a practical validity claim that is addressed to other members of the same form of ethical life. Second, I will show that the various spheres of right Hegel identifies correspond to four distinguishable categories of rational justification, senses in which action can be justified to others, and that each new category of justification brings to light a new aspect or dimension of action. An action is only being considered in full concreteness, I will argue, when all four aspects are in view. Third, I will show how these four modes of justification are organized in a hierarchy which respects the independent contributions each concept makes, but removes the possibility of any conflict between them.

² Among contemporary thinkers, perhaps only Jürgen Habermas has assembled a theory of action of similar range, capable of offering substantial contributions to both philosophic and sociological debates on this topic (Habermas 1981). But also see Giddens (1976), Joas (1992), and more recently J. L. Martin (2011).

The higher categories are higher precisely because they incorporate the lower categories, integrating them within a unified framework of right.

The basic concept of action

In order to understand Hegel's concept of action (*Handlung*), it is helpful to determine its relationship to mere willing. Although he thinks they are inter-related in a variety of ways, Hegel distinguishes between two sorts of psychological activity: theoretical and practical. Theoretical activity, or thinking, is characterized by the aim of making certain cognitions conform to an external object. Practical activity, or willing, reverses this relationship, aiming to make external conditions (events, states of affairs, etc.) conform to internal determinations of consciousness (like feelings, desires, and intentions).³ All forms of willing, then, presuppose an agent who is aware of having determined certain ends for herself and capable of consciously acting in order to realize these ends; insofar as animals are incapable of this, Hegel thinks they are incapable of possessing a will.⁴ The activity of willing can be defined for Hegel as the conscious expression or externalization of the mind in the external world. It should be clearly noted, then, that acts of the will in Hegel's sense are not mere volitions or psychological states – in willing, we give our ends “immediate existence” in the “world present at hand.”⁵ As we saw in [Chapter 1](#), acts of the will are externalizations of the agent's mind in the sense that they are done for a reason, a reason that, in principle, the agent could provide should she be asked why she did something. These reasons, of course, do not necessarily justify what was done, but external behavior that is not expressive of any of the agent's ends is not an act of the will at all.

Although it is common enough to distinguish actions from mere events precisely on the grounds that the former are done for reasons, Hegel does not simply identify the concept of action (*Handlung*) with willing as such. We get a clue as to what Hegel thinks distinguishes action from mere willing, by attending to the systematic location of his discussion of action. Although he treats willing in the concluding section of Subjective Spirit in the *Encyclopedia*, he does not treat action itself (*Handlung*) until he has

³ See *PM* §443 Z. The difference between these directions of fit is given a particularly well-known contemporary treatment by Anscombe (1957), §32, though she does not use that particular phrase. Hegel was probably following Fichte's *Sittenlehre* in marking the distinction the way he does (see W. Martin 2006).

⁴ *PM* §468 and Z. ⁵ *LPS*, 247–49.

arrived at Objective Spirit. That this is no accident, but a deliberate decision on his part, is clear from the following remark:

[H]ere, in the sphere of subjective spirit, we have only to pursue this externalization [*Äußerlichmachung*] to the point where volitional intelligence [*wollende Intelligenz*] becomes objective spirit, that is, to the point where the product of will ceases to be merely enjoyment and starts to become deed [*Tat*] and action [*Handlung*].⁶

By insisting that willing only becomes “deed and action” in Objective Spirit, which is coextensive with the *Philosophy of Right*, Hegel is indicating that we only have action in the proper sense when we have an actualization of the will that is subject to the concept of right. Indeed, in the same passage, Hegel describes the transition to objective spirit as occurring when “the will finds its end in a universal content, not in subjective or selfish interests” (*PM* §469 A). It is only when the will knows itself as rational, as willing only what is universally justified, that an act of the will is an action in the proper sense, and for this it must know itself to be free (as I argued in [Chapter 1](#)).

This might seem to suggest that an act of the will counts as action only when it is done for a justifiable reason as opposed to a merely selfish one. But this formulation of the difference, whether justification is meant in an objective or subjective sense, cannot be true as it stands. If something is an action only insofar as it is motivated by an objectively justified reason then there could be no such thing as a wrong or unjustified action. This would be a *contradictio in adjecto*. Alternatively, if something is an action only insofar as it is taken to be subjectively justified, then there would be no such thing as self-consciously evil action.⁷ No one could possibly do something knowing it was the wrong thing to do. But there is no evidence that Hegel is inclined to go in either of these directions; to the contrary, he is quite insistent that actions can be right or wrong, and that agents can act on motives that they are aware are evil. He says that it is “in the nature of evil that man may will it” (*PR* §139 A).

Hegel’s position is not that a mere act of the will is something done for (any) reason and an action is willing that is motivated by a justified reason.

⁶ *PM* §469 Z. See the similar statement at *PM* §444. For the purposes of this chapter the distinction between deed (*Tat*) and action (*Handlung*) can be disregarded. In [Chapter 4](#), we will return to this distinction.

⁷ Robert Pippin sometimes appears to assimilate Hegel’s claim that actions “manifest some implied normative claim to entitlement to so act” to a claim that all actions must have “appeared justifiable” to the agent (Pippin 2008, p. 152). This leads him to suggest at one point that Hegel is committed to Socratic-style denial of weakness of will (*ibid.*, p. 165).

His position is that the difference between mere willing and action proper comes from the status of the agent performing the act, not from the sort of motivating reasons these activities express. Mere willing is the external activity of an agent who is unaware of being answerable to ends or reasons that could genuinely justify her behavior. Action, on the other hand, is the external activity of an agent who is aware of being subject to such ends or reasons; it is the characteristic activity of the responsible agent. Hegel's claim, then, is not that all actions are justified or are thought by agents to be justified but that all actions in the proper sense are done with an awareness of what would justify them.⁸ Stephen Houlgate nicely expresses this point by saying that "every genuine agent – that is, every truly free agent – acts *in the light of moral demands*."⁹ Insofar as we have activity that is not done by someone who is aware of being subject to these genuinely obligatory ends, who is not acting in the light of these demands, we do not have action in the proper sense but a mere act of the will. A being only capable of willing, as we saw in some detail in the last chapter, is an innocent one: she is not responsible for the good or evil of what she does.

In the *Philosophy of Right*, Hegel gives an account as to how the status of the agent modifies the nature of the activity by theorizing actions as positing or expressing certain commitments. He says that insofar as someone is a rational being, it is "implicit in his action" that "by performing it, he has set up a law which he has recognized for himself in his action" (*PR* §100). In passages like these, he suggests that it is an intrinsic feature of actions, as opposed to the lesser forms of willing dealt with in Subjective Spirit, that they make a tacit validity claim, a claim that can be objectively assessed as right or wrong. By doing anything, a rational being implies that what she is doing conforms to a concept of right that she recognizes as authoritative.¹⁰ It is this feature of action that Hegel exploits in his analysis of criminal responsibility; for insofar as the tacit claim made by a criminal's

⁸ We will see in the [next chapter](#) that this awareness is not necessarily present in the moment of action.

⁹ Houlgate (2010), p. 172 (my italics). This is not to say that every agent is aware of moral demands as distinct from ethical demands. That, as Houlgate himself notes, is a later achievement, one characteristic of modernity.

¹⁰ Michael Quante claims that Hegel's concept of action only implies a "theoretical validity claim" – a claim that others should recognize the intention for which I am acting – not a "practical validity claim" – a claim that others should approve of it (see Quante 2004, pp. 94–97). The soundness of Quante's distinction requires insulating what Hegel claims about action in the beginning of the Morality section both from what comes before it (since criminal action clearly involves a "practical validity claim") and from what comes at the end of the section (since conscientious action also clearly involves a "practical validity claim"). In Alznauer (2013), I show that Quante's attempt to pluck this portion of the text out of its dialectical context is unsuccessful. Stephen Houlgate raises many of the same concerns in Houlgate (2010).

action contradicts this concept of right, he can show that the action can be indicted as a self-contradiction or an inner nullity (*innere Nichtigkeit*).¹¹ Actions simply are those acts of willing that we can be held responsible for.

We can flesh out what it means to view action as making such a validity claim by returning to the contrast with mere acts of the will. When the natural or immediate will takes possession of an apple, it does so without any belief about whether it has a right to that apple or not. It just knows that it wants the apple, or has chosen to acquire it. It follows that acts of this sort imply no claims that others are expected to acknowledge as justified. If a second party interferes with such appropriation, taking the apple away, the natural will cannot regard itself as being wronged because it has not made any claim to rightfully possessing the apple in the first place. As we have seen, Hegel thinks the same relation holds with respect to our immediate relation to our own body; although any animal naturally possesses his body in the sense of controlling it, a true right to our bodies is only generated insofar as that possession is posited as rightful by the agent. In order for any possession to be rightful ownership, the agent needs to be conscious of her freedom, of her status as a person who can rightfully express her will in external existence.¹² As we have already seen in some detail, this is no empty requirement. Hegel thinks children, slaves, and uncivilized peoples lack consciousness of their freedom. It follows, then, that they lack those normative representations “under which alone actions are made possible.”¹³ The natural or immediate will is not capable of action because it lacks the understanding of right that is necessary in order to make any claim to the rightfulness of what it does.

By contrast, when a genuinely responsible agent takes possession of something, her action can be viewed as signaling a claim to rightful ownership of that thing. Her behavior can be viewed in this way because the responsible agent knows that she has rights that extend to her body and can be extended to other objects. By taking something into her power, she can be said to imply that she has a right to what she is appropriating and that she would be wronged were this right violated by others.¹⁴ If her

¹¹ For a good analysis of the “split will” implied by crime, see Tunick (1992), pp. 29–33.

¹² *PR* §57. ¹³ *TWA* 4:229.

¹⁴ The most basic validity claims are rights claims (*Rechtsgründe*), claims that an action is permissible according to Abstract Right (see *PR* §§84 and 222, *PM* §496). In the above example I focus on this sort of validity claim because it is, conceptually speaking, the simplest case. We will consider further validity claims implied by action in the next section. All actions imply some validity claim, but Hegel thinks the various sorts of claims he treats only become conceptually differentiated over the course of time. Historically speaking, ethical validity claims come first, though at this early period

action is in truth rightful or moral, other persons, insofar as they are rational, will be able to recognize their own will in the action and accept her claim as valid, as consistent with right.¹⁵ This kind of tacit reference to what others could take to be valid is an essential part of what it is for something to be an action for Hegel; he says “[t]aking possession is only an action [*nur eine Handlung*] insofar as it relates to the will of other subjects, to the fact of being recognized” (*LNR* §52 R). Insofar as behavior cannot be construed as making a recognizable claim on behalf of its own validity, it is not action at all.

We can now formulate Hegel’s basic concept of action more precisely: actions in general are that subset of acts of the will (expressions of internal ends in external existence) that can be understood as making an implicit claim on others to recognize their justification or rightness. This is what he means by saying that action has a necessary reference to the will of others. Since we have seen in the last chapter that any determination of right is only valid when it has achieved actuality in a given state, the relevant “others” are not all human beings, but only the agent’s fellow citizens, those who are consciously subject to the same norms. An action claims to be justified, then, only for a given nation at a given time.¹⁶ It is because all actions imply a claim to be right according to the standards of some specific nation that Hegel can be said to have an intrinsically social theory of action, not just an intrinsically normative theory, like Kant’s.¹⁷ Action is intrinsically social, for Hegel, because the norms of freedom are not simply valid on their own, but are only actual for a given nation at a given time.

Since Hegel’s claims about the sociality of action have been the source of some controversy, it is worth briefly contrasting Hegel’s version of this claim with two very influential alternative accounts of the social dimensions of action: those given by Max Weber and Jürgen Habermas. In his methodological writings, Weber famously contrasts non-social actions, like opening an umbrella to shelter oneself from the rain, to social actions,

such claims are not yet distinguishable from rights claims or claims to moral justification. On the difference between the conceptual and historical development of the concept of right, see *PR* §32 A.

¹⁵ “Eine Handlung, die rechtlich oder moralisch oder sonst vortrefflich ist, wird zwar von einem Einzelnen getan, alle aber stimmen ihr bei. Sie erkennen also sich selbst oder ihren eigenen Willen darinnen” (*TWA* 4:224).

¹⁶ As we will see, Hegel does admit of a sort of justification that transcends these limits – world-historical justification. I will explore the question of how to adjudicate between the immanent justification of action and the world-historical justification in [Chapter 5](#).

¹⁷ Deligiorgi (2010) identifies four different commitments that flow from Hegel’s social theory of action, only the last of which directly concerns the question of justification. On the account I am giving, and this is already suggested by Deligiorgi herself at several points, the first three commitments are downstream from this last one.

like when a cyclist consciously avoids someone on the road. He defines social action as that subclass of actions that are determined or oriented by a relation to another person's behavior.¹⁸ It would, of course, be quite implausible to insist that all actions are social in this Weberian sense; if that were what Hegel were suggesting, his position would be hopeless. But the tacit reference to the will of others that Hegel builds in to his concept of action is different from the explicit reference to the behavior of others thematized by Weber insofar as Hegelian sociality is not a matter of coordinating your acts with reference to those of others but only of regarding your behavior as having an interpersonally assessable rightness. From Hegel's point of view, even what Weber calls non-social actions contain a reference to the will of others when the agent is aware of the rightfulness or wrongfulness of what she is doing. When a responsible agent opens an umbrella that she owns, even in the privacy of her home, she takes herself to be doing something that she has the right to do because she owns the umbrella, a right others are obligated to acknowledge. Actions can be social in this sense even if no one else is around at the moment to acknowledge them as rightful expressions of the will or to contest that claim.

Hegel's contention that actions make tacit practical validity claims thus bears a closer resemblance to the Habermasian notion of communicative action than it does to Weber's discussion of social action, but again there are differences that should be marked. In *The Theory of Communicative Action*, Habermas describes communicative action as a form of social action that is irreducible to the more basic instrumental or strategic forms of action since it aims not at simple mastering of a situation or coordinating with others but at establishing a kind of consensus about what kind of action is called for by the situation. Sensibly enough, Habermas denies that all actions, or even all social actions (in the Weberian sense), have a "communicative" aspect; he insists that communicative action is a "type" of social action where the participants themselves have an attitude oriented not towards mastery but towards reaching understanding.¹⁹ If my ultimate aim in a given interaction is to deceive you, and not to arrive at rational agreement about what to do, my action, though social, is definitively *not* of the communicative type.

Hegel's thesis about action would have little plausibility if it required positing that all actions are consciously communicative in this Habermasian sense. Alexandre Kojève, however, attributes a modified, somewhat

¹⁸ Weber (1978), p. 22. ¹⁹ Habermas (1985), p. 286.

more plausible version of this thesis to Hegel: the claim that all actions are motivated by a desire for recognition even if, as is often the case, the agent himself is entirely unaware of that desire.²⁰ But it is easy to show that Hegel's claim is neither about the conscious aims nor the unconscious desires of the agent. In the case of murder, for example, Hegel says it is the *action itself* that recognizes the universal that it is permissible to deceive or kill someone.²¹ This is clearly not a point about the killer's state of mind, a suggestion that every killer truly believes that it is permissible to kill someone, because Hegel insists that the legitimacy of punishment presupposes just the opposite: that the criminal knows what he did was *not* permissible. Nor can it be construed as suggesting that every killer truly desires that the law his action promulgates (that killing should be permitted) be universally recognized and applied to him – that would be for the criminal to wish for his own punishment, something Hegel explicitly denies is necessary to justify his punishment.²² On Hegel's account, then, whatever claim your action puts forth need not correspond to your considered opinion or hidden desires; such claims can fully contradict the norms that the agent knows to be right and actually wants to have recognized. Indeed, wrong in general is precisely the existence of contradiction between the validity claim a given action makes and the notion of right that the agent wills alongside it.

So when Hegel says that all action is social – that it has some “relation to the will of others” – this is neither a claim that all action is interaction nor a claim that all actions are consciously or unconsciously aimed at the creation of a consensus. What he is saying is that all action makes a validity claim; a claim that is evaluable according to those determinations of right that a responsible agent knows herself to be subject to, determinations which are only actual (*wirklich*) when they are shared by a certain nation at a certain time.

The four categories of action justification

What complicates the simple picture of Hegel's theory of action we have just outlined is that Hegel identifies several basic concepts or spheres of right which give rise to different senses in which an action can be rationally justified: it can be (i) rightful (*rechtlich*), (ii) moral (*moralisch*), (iii) ethical (*sittlich*), or (iv) right in a world-historical (*welt-historisch*) or absolute (*absolut*) sense. The first three of these forms of normative assessment

²⁰ Kojève (1980), p. 226, n. 23.

²¹ LNR, 99.

²² TWA 4:225.

correspond to the major standpoints of the *Philosophy of Right*: Abstract Right, Morality, and Ethical Life. The fourth, which is only briefly treated in the *Philosophy of Right*, corresponds to the standpoint of World History and, as we will see, to some degree transcends what the individual agent can be held responsible for. In this section I will be bracketing questions concerning Hegel's deduction of the necessity of these standpoints, which is of course a major issue in its own right, in order to make two more restricted points: that each standpoint represents a specific normative register or mode of evaluation and that each register brings to light different "moments" or aspects of action. This will show that the movement through these various evaluative registers in the *Philosophy of Right* involves the simultaneous unfolding of a rich, four-dimensional theory of action.²³

Rightful action

We can start with the simplest case. In Abstract Right, actions come into consideration only insofar as they can be judged rightful (*rechtlich*) or not. An action is rightful when it does not violate or infringe upon the rights of others to an external sphere of freedom. An action is wrong (*unrechtlich*) or counter to right (*widerrechtlich*) when it fails to respect these rights. Since rightfulness concerns action only insofar as it impinges on the freedom of others, determining whether an action is rightful requires an analysis of only those aspects of what was done that are present "in an external way (*in äußerliche Weise*)" (PR §113 A). At one point, Hegel describes actions in their externality as legal actions (*gerichtliche Handlung*) (PR §113 A). This is a helpful clue as to what is going on here.²⁴

²³ The kind of "action-theoretical" reading of the *Philosophy of Right* I am offering here is anticipated by Axel Honneth in Honneth (2010). Honneth describes Hegel's procedure in this way: "in the course of the discussion, in parallel with the levels occupied by the different concepts of freedom, a sequence of action models, characterized by ascending degrees of theoretical complexity and social appropriateness, comes into being" (*ibid.*, p. 32). This, I think, is exactly correct. Honneth's way of executing this project, however, turns on identifying a link between the incomplete conceptions of the free will in the Introduction, which I dealt with in Chapter 1, and incomplete conceptions of action implied by Abstract Right and Morality (*ibid.*, pp. 21–22). Although this is a common strategy, I think it is textually and philosophically unjustified. Hegel himself emphasizes, for example, that the person of abstract right is already free "in and for itself" (PR §34) and has advanced beyond "the natural will and its as yet external oppositions" (PR §35 R). When an agent is knowingly subject to any conception of right, even an abstract and inadequate one, he has by that very fact transcended both of the more primitive conceptions of the will canvassed in the Introduction.

²⁴ It should be noted that when Hegel introduces this notion, he has not yet introduced law in the positive sense, so "legal action" here should not be thought to simply presuppose a formal legal system. As we saw in the last chapter, Hegel does go on to argue that mere abstract rights lack

To determine the content of a legal action, to judge it from the standpoint of Abstract Right, means figuring out whether it falls under a proscribed category of doings, like breach of contract, bodily assault, and so on. This requires only an external analysis of action insofar as it does not require knowing what the agent was thinking or intending in doing what she did. An action can be judged rightful, then, even if it was motivated by an evil disposition.

The relatively primitive notion of action implied by Abstract Right has three related characteristics which will eventually serve to distinguish it from Hegel's full account of "concrete action [*konkrete Handlung*] in moral and ethical relations" (*PR* §38, translation modified). First, a rightful action is "mine," or an expression of my will, only in the sense that it is a change in external existence brought forth by my will as manifest in my body or my acquired property. This kind of "mineness" is the sort that underwrites strict liability: assessments of guilt that do not require any *mens rea*.²⁵ Second, rightful action involves what Hegel considers a very basic "relation to the concept," or form of normative justification. Abstract right gives the agent permission or warrant to act in some way that she has independent reasons for acting on; it is not something that directly requires any specific action or motive. For an action to be rightful, the agent need not act for the sake of right; it is enough if she acts in conformity with it.²⁶ Third, rightful action is understood as implying what Hegel describes as a "purely negative determination in respect of the will of others" (*PR* §112 A). What this means is that a rightful action takes the will of others into consideration only insofar as it makes a tacit claim to not violate their external freedom. It makes an implicit claim to be valid only in the sense of being permissible. It does not involve taking others into consideration in any more direct fashion. These three characteristics constitute the ground level of Hegel's theory of action; they are the most rudimentary determinations of expressivity, normativity, and sociality implied by the concept of action. Though they will be supplemented and qualified as we progress through the *Philosophy of Right*, they will never be abandoned.

validity and actuality outside such a legal system, but that is a substantive claim, not a terminological one.

²⁵ A more precise characterization of this sort of "mineness," and of "mineness" in general, will be provided in [Chapter 4](#).

²⁶ In making this distinction between legality and morality, Hegel was, of course, following in Kant's (and Fichte's) footsteps (see, e.g., *MM* 6:219). Hegel's primary innovation comes from the third and fourth categories of evaluation, categories that introduce social and historical considerations into the analysis of action.

Moral action

In Morality, actions are assessed as moral or immoral. Since it is only by considering the subjective or internal aspects of action that the moral value of actions can be judged, the standpoint of “Morality” analyzes actions not only in view of their external consequences, but also as expressions of the moral or subjective will. Hegel speaks of moral actions (*moralische Handlungen*) in a correspondingly broad and narrow sense. In the broad sense, a moral action is simply an action considered as an expression of a subjective volition, one open to moral evaluation. In the narrower sense, a moral action is one that is, in fact, good in the specifically moral sense: it is an action with the right subjective motivation (one in which the agent accords with the concept of right knowingly and for that very reason). An immoral action, on the other hand, is one in which the agent knowingly disregards her duty or in which she directly aims at the violation of duty.²⁷ Determining the moral value of an action thus requires assessing the “interior of the will,” not just what the agent has accomplished externally (*PM* §503); one must go on to consider what the agent knew she was doing, why she was doing it, and whether she was acting on the basis of her moral convictions.

By incorporating the subjective or internal aspects of action that were bracketed or overlooked by Abstract Right, Morality moves us to a richer analysis of action. This transforms the concept of action in three inter-related ways. First, we are introduced to a deeper notion of “mineness” than was recognized in Abstract Right. From the point of view of Morality, action must not only be the external product of my will, it must be “known by me in its externality as mine” (*PR* §113). In other words, I must not only be responsible for what I did legally speaking, as the author of the deed; what I did must be imputable to me as something I knowingly willed as such – I must re-encounter my subjective will, my reasons, in it. Second, moral action involves a more direct “relation to the concept” than mere warrant or permission; one characterized by “obligation or requirement” (*PR* §108). Moral action is not only in conformity with the concept of right, a consideration that is indifferent to the question of one’s grounds for acting, it is done precisely because it is

²⁷ In the *Propaedeutic*, these two sorts of immoral action are characterized as bad and evil respectively (*PP*, 164; *TWA* 4:61). Cases where an agent does something that is morally wrong but without knowing it are complicated and will be dealt with extensively in the [next chapter](#). Properly considered, they reveal the limitations of the moral point of view as such.

required by the concept. The new concept of right at play here is thus conceived as an internal requirement on action, not an external constraint. Morality requires an agent who wills the universal *as such* – not merely one who wills not to violate the universal. He wills the good, which includes *both* the rights *and* the welfare of others. Third, moral action has a “positive relation to the will of others,” not a just a negative one (PR §112). Whereas rightful action only claims to be compatible with the will of others, to not violate their sphere of external freedom, a moral action claims to be justifiable to others in terms of its actual intention. It claims not only to be acceptable to others but to be affirmable by them in a formal sense, as an act accompanied by the right sort of internal motivation. These three determinations do not replace the concept of action implied by Abstract Right, so much as supplement and enrich it. From the moral point of view, an action is *both* something I am responsible for in the external sense *and* something which can be imputed to me as expressive of my will; it is something that can be assessed *both* in terms of its permissibility *and* in terms of its moral meaning; and it simultaneously involves a negative *and* positive relation to the will of others. As we will see in great detail in the [next chapter](#), much of the dialectic of the Morality section of the *Philosophy of Right* concerns the difficulties of bringing these outer and inner conditions of action together, showing how the conditions of external responsibility can be reconciled with the conditions of internal imputability.

Ethical action

Although it is sometimes assumed that Hegel’s theory of action reaches its apogee in Morality, and that the transition to Ethical Life marks a transition to a theory of the justification of institutions, Hegel is clear enough that the account of action given in Morality is, by itself, one-sided and incomplete. Hegel says the merely moral will is an “indeterminate subjectivity that does not attain existence or the objective determinacy of action [*objektiven Bestimmtheit des Handelns*]” (PR §149).²⁸ A more concrete picture of action is provided by the third standpoint of the *Philosophy of Right*, Ethical Life, which provides us with a third evaluative register in

²⁸ When discussing action from the point of view of ethical life, Hegel tends to use the terms *Handeln* (in the PR) or *Tätigkeit* (in the PM) rather than *Handlung*. Presumably, this is because in these contexts the term *Handlung* might easily be confused with action from the moral point of view. But since Hegel seems to see no contradiction in speaking of “*sittliche Handlung*” (as, e.g., PR §168), I will follow suit.

which to assess what we do; here actions are justified according to their ethicality. An ethical action (*sittliche Handlung*) is one that fulfills those duties rightly imposed on the agent by her place in the social whole to which she belongs. When a father takes care to discipline his children, for example, his action is ethical insofar as it is in accordance with the institution of parenthood as that is understood in his place and time and is motivated by a habitual disposition to act in accord with his role. An action is unethical when it fails to accord with what is required of the agent in this sense. To be justified in terms of ethicality, then, it is not enough that my action be both externally rightful and done knowingly and conscientiously. We must also know whether it was an instance of a regular practice of conforming to my position within my ethical community. Bringing ethicality into focus requires expanding our theory of action to include a recognition of the social functions actions serve: particularly, the way our habitual adherence to certain roles (as parent, worker, citizen, etc.) helps support and reproduce the ethical community in which we live.²⁹ Actions, from this point of view, then, are necessarily more than rightful or unrightful kinds of behavior that serve to realize certain moral or immoral ends and purposes, they are moments within the actual state in which they occur. To put this in more sociological language, they serve a manifest function, a function individuals are more or less aware of.³⁰ For Hegel, this function rationally legitimates the role-obligations individuals find themselves as having.³¹

The move to the standpoint of Ethical Life forces a reconceptualization of action along each of the three axes we have been considering: the expressivity of the will (“mineness”), normative justification (“relation to the concept”), and sociality (“relation to the will of others”). As to “mineness,” the standpoint of Ethical Life allows us to see that actions express not just my will at a given moment, but also my character as a parent or worker or citizen. Of course, no single action is sufficient to determine my nature as a good parent, etc., and so in order to assess action from the ethical point of view it not enough to look at what was done and

²⁹ *PR* §142.

³⁰ Merton (1957) famously distinguishes between “manifest” and “latent” functions; this distinction nicely maps onto the difference between the ethical and world-historical assessment of actions in Hegel’s practical philosophy. Hegel, though, has a quite limited interest in the latent functions of action in history: he is primarily concerned to show how agents can unknowingly advance the realization of the concept of freedom in history.

³¹ The important but quite complicated question, to what extent the justifying reason (that institution *x* is functionally rational) must be the motivating reason of the ethical agent, is given a very sophisticated treatment by Moyar (2011); see esp. pp. 43–80.

why it was done in a given instance. What I have done in the past and what I will do in the future are relevant to determining whether this particular action was ethical or not.³² The ethicality of our actions is revealed not in any single instance, but only in the *descurses vitae*, as Hegel says at one point.³³ An action expresses my ethical being (*sittliches Wesen*), then, only when it is placed in a broader temporal and social context, viewed as part of my general mode of conduct with respect to the ethical obligations I have as a member of some particular society.³⁴ The ethical point of view thus reveals that my actions are “mine” not only in the sense of being done by me and being done knowingly and willingly, but also in the sense that they express my practical identity as a member of a given family and nation, and conform (or fail to conform) with the customs and norms of my ethical community.³⁵

The ethical standpoint also introduces a deeper understanding of an action’s “relation to the concept,” the way we understand the relation between the particular will (what was intentionally done) and the universal will (one’s justificatory reasons) in the responsible agent. We saw before that a rightful action only requires that the agent be capable of acting in conformity with abstract right; and a moral action requires subjugating the particular will for the sake of the good. Both of these represent the individual’s will as notionally separate from the universal will. Ethical life, on the other hand, posits the individual will “as identical with the concept of the will” (*PR* §108). Hegel indicates that when this identity is achieved, the corresponding behavior is customary or habitual action: action that occurs without any “selective reflection” on what to do (*PM* §514). To be judged ethical, an action cannot just be permissible and done for the right reason, it must be done as one’s second nature, as something not needing any particular deliberation.³⁶ This sort of compliance with the concept of right goes beyond the external constraints of Abstract Right and the internal obligation of Morality to require full identification of the particular will with the universal will, the action of the individual and the action of the state.³⁷ An action is only truly ethical when it immediately and

³² On Hegel’s attempt to reconceive the temporal extension of actions, see Pippin (2008), pp. 151–52, and p. 158, n. 24.

³³ *EL* §140 A. ³⁴ *PR* §§150 A and 151. ³⁵ *PM* §514.

³⁶ Dean Moyer helpfully compares this feature of Hegel’s account with Bernard Williams’s famous discussion of why a man might jump into the water to save his wife. Like Williams, Hegel would characterize any husband who had to think about whether he should jump in as ethically defective in some way, as having “one thought too many” (Moyer 2011, pp. 60 and 75).

³⁷ One consequence of this is that the ethical disposition withdraws its will from any desires it might have that are injured, harmed, or sacrificed in the pursuit of its objectives. By doing so, it is fully

habitually conforms to the rational customs of ethical life: when the individual takes his own will to be inseparable from the duties that flow from his station in the social whole.

Ethical evaluation also presupposes a new sort of “reference to the will of others.” We saw that someone’s action can be properly assessed as rightful only insofar as her action can be said to make a tacit claim to not violate the rights of others. It can be assessed as moral insofar as it makes the claim to be done in a way others could formally endorse, as an action with the right internal motivation: a concern with the good of everyone. Correspondingly, an action can be assessed as ethical only insofar as it makes the claim to concretely express the collective or universal will of the agent’s ethical community, of her state in the broad sense. The agent can be held responsible for unethical actions, she is blamable for these, insofar as this tacit claim cannot be validated. From the standpoint of Ethical Life, then, actions are viewed not only in terms of the claim they make to be justifiable in a negative and in a formal sense, but as claiming to express an already achieved like-mindedness: a genuine and fully actual mutuality. When this claim is valid, when the action is genuinely ethical, there is no distinction between “I” and “We.”³⁸ Any particularities of the agent entirely disappear in what is done; the action itself is just as much the expression of the universal life of the whole as it is an expression of the individual’s own will.

World-historical action

For Hegel, however, the ultimate or highest justification for an action is not that it is ethical, that it conforms with one’s station within the ethical life of one’s nation, but that it advances world history beyond the stage it has already reached. This brings us to the fourth and final sense in which an action can be justified. World-historical actions (*welthistorische Handlungen*) are those that serve to overturn an existing form of ethical life and prepare the way for a higher, more rational form of life.³⁹ Hegel’s favorite example of someone whose actions had such a justification is Caesar, who had the right to overturn the Republic and place Rome on a higher foundation, despite the fact that this violated the existing laws and customs of the Republic. To determine whether an action is genuinely

reconciled to whatever may happen to it; all experiences of misfortune, tragedy, and injustice are, as Hegel puts it, demoted to mere existence. See *EL* §147 A; *LNR*, 133.

³⁸ On the unity of my action and the action of the state, see Alessio (1996).

³⁹ *PR* §348.

world-historical, expressing the “substantial deed of the world spirit,” we must go beyond even the wide scope afforded by ethical life, which views action within the limited horizon of a given state, and view the action within the total horizon of world history. Hegel says that those actions that further the progress of rational institutions in history are justified by the “absolute right of world history,” a right that is unlimited by anything above it. But it is important to note that this absolute right of world history is a “right of a wholly peculiar kind” insofar as the historical significance of an action is something that entirely transcends the consciousness of the agent and for which he cannot be held responsible.⁴⁰ Unlike the function actions serve in maintaining the ethical life of a people, their world-historical function (destroying less rational institutions or bringing more rational institutions into existence) is latent, not manifest; it is neither intended nor foreseen by the world-historical agents themselves. This will prove to create an important asymmetry between the right of world history and the other three forms of right.

Hegel does not himself explicitly characterize world-historical actions in terms of the three categories we have been employing to differentiate rightful, moral, and ethical actions. This itself reveals something about the peculiarity of this category. But it is useful for purposes of comparison to see to what extent world-historical actions can be analyzed in these terms. “Mineness,” as we have seen, concerns the way the action expresses the will of the agent. We have seen that judging an action as rightful, moral, or ethical each pointed to a different way that an agent’s will is expressed in what she does. It would appear, however, that in judging the world-historical significance of an action, we are pointing to features of the action that do not reflect the will of the agent in any sense at all, aspects of what was done that express nothing about the ends of the agent at all. Although this is true in a sense, and accounts for the irrelevance of world-historical considerations to the determination of individual responsibility, there is more to Hegel’s story. What makes it possible for our actions to be used as a means by world spirit at all is that all human actions express not only the individual will and the will of the ethical community in which the individual lives; they also, though unknowingly, express the aims of world spirit, the “divine will” as he sometimes puts it with a theological flourish. Hegel believes that insofar as an agent is fully rational she must will all of the conditions of the existence of her freedom. Since the most important of these conditions is the historical development of rational institutions,

⁴⁰ *LPWH*, 84; *VG*, 98.

to view an action in terms of its role within the development of fully rational institutions is to view it in light of an end the agent necessarily wills. The world-historical consequences of my actions are thus “mine” even though no non-philosopher is aware of willing or desiring any such end. The historical significance of my action is no foreign addition to what I did because it expresses a hidden higher purpose: something present in my inmost will despite being absent in my own conscious intentions and designs.⁴¹

The second category we have employed in analyzing action is “relation to the concept.” We have seen that in saying an action is rightful, moral, or ethical we posited various different kinds of normative justification. Actions are justified on world-historical grounds insofar as they further the process of realizing freedom in history whether negatively (through the destruction of irrational institutions) or positively (through the construction of more rational ones). World-historical justification is peculiar because unlike the other forms of justification we have been considering it does not imply anything about an individual’s responsibility or guilt; Hegel says the sphere of world history “transcends the obligations, liability and responsibility which attach to individuality by virtue of ethical existence” (*VG*, 171).⁴² World-historical actions warrant not moral praise or honor but only “undying fame” (*PR* §348). When an action is justified from the world-historical point of view, then, it is not justified in the sense that the agent ought to have done it and is to be commended for it, but only in the more “objective” sense that it ought to have happened in order for the end of reason to be realized.⁴³ This kind of justification does not pertain to the individual but only to his action.

⁴¹ It is a peculiarity of Hegel’s philosophy of history, one that I do not think is defensible, that no action can be historically retrogressive. From the world-historical point of view, actions can be categorized as either indifferent to or conservative of the existing order (like Durkheim, Hegel thinks even criminality has a basically conservative function) or as implicitly progressive, pointing to a new and higher form of ethical life (sometimes criminality plays this role too). Although Hegel certainly allows contingency to play a certain role in world affairs, I am not aware of any passage in which he concedes that world spirit has ever experienced a single setback in the realization of freedom. The lack of such a concession provides grounds for thinking that Hegel had an unacceptably strong understanding of the conceptual necessity involved in historical development. For a contrary, less critical view of Hegel’s philosophy of history, see the discussion of the necessity of the incarnation in Lewis (2011), p. 216.

⁴² What this transcendence amounts to is the subject of Chapter 5. There I will argue that, despite the appearances, world-historical actions do not trump ordinary ethical evaluation so much as they completely transcend it; they thus represent a kind of limit case for the analysis of responsible action I am undertaking here.

⁴³ For a similar use of this “objective” notion of justification, see Thompson (1990), p. 229.

The final question we might have is whether actions, insofar as they are to be assessed from the world-historical point of view, should be understood as having a different kind of “reference to the will of others.” On the one hand, it might be thought that world-historical actions make an implicit claim to express the “inner will of mankind” (*LPWH*, 88; *VG*, 104). But on the other hand, it might be thought that world-historical actions cannot be understood as making any claim to be rationally justified in the eyes of others because, by their very nature, such actions cannot be seen as justified by other members of the ethical community: for example, Caesar’s actions would not be world-historical if they did not contradict the existing ethical standpoint. We can reconcile these considerations by holding that the claim world-historical actions imply is one that can only be vindicated retrospectively, or from the point of view of the social world *after* it has been changed by the action in question. He says that although it takes time, “the very fact that [world-historical individuals] rose to honour and fame implies that [world-historical actions] did meet with this required assent and that their aims were recognized by others as correct” (*LPWH*, 88; *VG*, 104). So in all three respects – expressivity, normative justification, and implicit sociality – world-historical actions represent a distinct deepening of Hegel’s analysis of action.

Our path through the various spheres of right has revealed four dimensions of action at work in Hegel’s practical philosophy (see [Table 2](#) below). Actions have an external existence (which can be characterized as rightful or not), an internal motivational dimension (by which they can be characterized as moral or not), a manifest social embeddedness (which determines their ethicality), and a mostly latent historical significance (which determines their world-historical value). In moving from the former aspects of action to the latter, we move from comparatively abstract and impoverished characterizations of action to specifications that view action in its full historical concreteness.⁴⁴

⁴⁴ The above account is intended as a comprehensive overview of Hegel’s analysis of finite actions (*endliches Tun*) – actions that presuppose an individual who stands opposed to external existence. It does not cover either the deeds of nations or the agency of reason itself (*LPWH*, 27; *VG*, 28). A truly exhaustive account of Hegel’s theory of activity, something I am not attempting in this book, would need to situate it within this broader framework. For treatments of this aspect of Hegel’s teaching, see Taylor (1985a) and, more recently, Adams (2013).

Table 2. *Hegel's typology of action*

	"Mineness"	"Relation to the concept"	"Reference to the will of others"
Rightful action (<i>rechtliche Handlung</i>)	The action is mine in the sense that I caused it in a forensic sense.	The action is justified if it is permitted by abstract right.	The action makes the tacit claim not to violate the rights of others.
Moral action (<i>moralische Handlung</i>)	The action is mine in the sense that I recognize my purpose and intention in it.	The action is justified if it is done with a moral intention.	The action makes the tacit claim to be endorsable by others in terms of the agent's subjective reasons.
Ethical action (<i>sittliche Handlung</i>)	The action is mine in the sense that it expresses my character as an ethical being.	The action is justified if it immediately conforms with the customs of ethical life.	The action makes the tacit claim to express the universal will of my community.
World-historical action (<i>welt-historische Handlung</i>)	The action is mine in the sense that it expresses my unconscious unity with world spirit.	The action is justified (from the point of view of the observer) if it furthers the progress of world history.	The action makes an implicit claim to express the inner will of all humankind that can only be retrospectively justified.

The hierarchy of justification

This complex four-dimensional picture of action, of course, gives rise to an obvious problem. If a given action can be evaluated according to multiple concepts of right, then it would appear that we need some account of what to do when the verdicts reached by these conflict, when an action that is legally permissible, for example, is nonetheless morally blameworthy.⁴⁵ Hegel explicitly admits that these spheres can indeed "come into collision"; he says that they can do so precisely because they are all rights or genuine requirements for the actualization of freedom (*PR* §30 R). But it would

⁴⁵ Properly speaking, Hegel thinks they can only come into conflict insofar as these spheres have been differentiated in the ethical life of a given people. Since this differentiation is only fully achieved in modern states, Hegel is committed to the contention that certain forms of normative conflict did not exist in pre-modern civilizations. I am abstracting away from the historical dimension of Hegel's account of the development of the various concepts of right in this chapter; Hegel himself insists that the temporal sequence in this case does not follow the conceptual one (*PR* §32 A).

be a mistake to think this commits Hegel to a kind of agonistic value pluralism or even a tragic tension between the various standpoints.⁴⁶ “Collision,” Hegel says, “also contains this further moment: it imposes a limitation [*beschränkt*] whereby one right is subordinated [*untergeordnet*] to another” (*PR* §30 R). These four spheres of right, then, are not co-equal but are hierarchically organized; the earlier spheres are sublated or *aufgehoben* in the later ones.⁴⁷ So although there is a certain sense in which the various standpoints of right can collide or come into conflict in a given case, such a conflict is resolved by subordinating the lower right to the higher right.⁴⁸ Of course, determining what happens to a concept when it is sublated – what exactly is canceled in it and what is preserved – is one of the eternal *topoi* of Hegel scholarship; eternal because it is so difficult to fully resolve. In this section, I will attempt to specify what it means to say that the lower rights are sublated in the higher by looking at the examples Hegel gives of the three possible sorts of conflicts his account allows for: those between abstract right and morality, between morality and ethical life, and between ethical life and world history.

Abstract right and morality

Hegel’s standard example of the conflict between rightfulness and morality concerns the so-called “right of necessity” (*Notrecht*). This conflict is nicely laid out in the 1818–19 lectures on natural right:

[I]f a debtor would be ruined by paying his debts, the right that strictly accrues to the creditors is limited [*beschränkt*] by this point of view. The artisan must be allowed to keep his tools; and so right in the strict sense recognizes morality, and strictly formal right is not deemed sacrosanct. To this extent moral right is more concrete than abstract, strict right.⁴⁹

We can say that the artisan’s refusal to relinquish his tools despite his debt is a wrongful action (*unrechtlche Handlung*) in the strictly formal sense since it

⁴⁶ This is suggested by Menke (1996). On this point, Hegel’s standpoints of right differ from the “spheres of justice” spoken of by Michael Walzer (1983) and the “logics of justification” described by Boltanski and Thévenot (1991). The deep issue that divides Hegel from these more contemporary, pluralistic accounts of value conflict concerns whether the state itself (“political power” in Walzer or the “civic city” in Boltanski and Thévenot) should be considered as merely one among the several of these justificatory spheres (as they maintain), or whether it should be understood as the whole in which all the other, more limited spheres operate (as Hegel maintains). For a perceptive, though critical, treatment of primacy of the state as a sphere of right in Hegel, see Honneth (2010), esp. pp. 57–63. For a broadly Hegelian approach to the conflict of reasons which eschews granting supremacy to reasons of state, see Laden (2005), esp. pp. 351–54.

⁴⁷ Neuhausser (2000), p. 27.

⁴⁸ See *LNR*, 56–57 and *PR* §30.

⁴⁹ *LNR* §8 R.

infringes on the valid property rights of his creditors. But insofar as his refusal is based on his right to preserve his own livelihood or welfare, it is morally justified (*berechtigt*).⁵⁰ In such a conflict, the moral justification overrides the justification from the point of view of abstract right because the former is “more concrete” than the latter. We can see from the last section that Morality is more concrete because, properly considered, it already includes abstract right within itself – it accepts the injunction to honor abstract right as the prime moral obligation – but it also recognizes that such rights are not absolutely valid, that they are only rationally binding on individuals insofar as they do not undermine the conditions (e.g., preserving their lives, having a livelihood, etc.) in which they can be enjoyed. In Hegel’s account, then, it is only “strictly formal right” – property rights considered without regard to this limiting consideration – that collides with morality. But when abstract right is considered in its genuine or rational sense, no conflict has occurred, for, as Hegel says in the above passage, right in the proper sense itself “recognizes morality” as above it. In other words, a true understanding of the place of Abstract Right within moral and ethical theory as a whole involves being able to recognize which considerations justify exceptions to the general imperative of abstract right, the imperative to be a person and respect others as persons. To further illustrate this, Hegel says that if someone steals a loaf of bread from a bakery to feed his starving family, although this may be accounted a formal infringement of the baker’s property and personhood, it would be wrong “to regard such action as common theft” (*PR* §127 A). In the appropriately qualified, non-formal sense of abstract right, such “theft” is fully rightful or permissible because it falls under such a (morally) justified exception. This is the sense in which abstract right is limited to or subordinated by morality.⁵¹

Morality and ethical life

The second possible kind of conflict, that between morality and ethicality, marks a more unique facet of Hegel’s thought. We see an example of this conflict hinted at in the following remark from the *Philosophy of Right*:

The so-called common-weal or welfare of the state, i.e. the right of the actual and concrete spirit, is an altogether different sphere, in which formal

⁵⁰ *PR* §127 Z.

⁵¹ To claim that abstract right is fully annulled by morality, not just limited and fulfilled by it, would generate a kind of radicalism that Hegel consistently opposes (see, e.g., his comments on St. Crispin, who, he claims, stole from the rich to give to the poor, in *PR* §126 A).

right is just as much a subordinate moment as a particular welfare and the happiness of the individual.⁵²

In this passage, Hegel distinguishes between private welfare of individuals, which he considers a moral consideration, and the welfare of the state, which he considers an ethical consideration. Although one is morally required to take one's own welfare (as well as that of others) into consideration when acting, Hegel believes that the individual's highest ethical obligation is his or her duty to preserve the independence and sovereignty of his or her state "even if [one's] own life and property, as well as [one's] opinions and all that naturally falls within the province of life, are endangered or sacrificed" (*PR* §324). A refusal to fight on behalf of the state on the moral grounds that one's life might be endangered or because one conscientiously opposes the war (as in the case of the Quakers) would exemplify the kind of conflict we are interested in here: such an action would be unethical despite being morally justified (at least in a formal sense).⁵³ Conversely, when a statesman acts in the true interests of his state but without a proper internal regard for the private rights and welfare of private citizens, his actions may be considered immoral but they are nonetheless ethically justified.

In both of these cases, Hegel's position is that moral considerations must be subordinated to, or limited by, ethical ones. The priority Hegel grants to ethical life over morality (and so also over abstract right) has the same structure and justification as the priority of morality over abstract right. The common error Hegel wants to guard against is the temptation to view considerations of abstract right or morality "*as valid in and of themselves* in opposition to the universality of the state" (*PR* §126 R). In the above examples, this would be to view the standpoint of morality, i.e., questions about the goodness of one's motives or intentions in doing something, as the court of last appeal when it comes to the normative evaluation of actions. It is to believe that there are never occasions when one could be justified in acting unconscientiously. This marks a merely *formal* understanding of morality exactly to the extent that it abstracts away from the embodiment and function of moral principles within the state, failing to recognize that such principles can only hold insofar as they

⁵² *PR* §126 R.

⁵³ Hegel is explicit that a sufficiently strong state can tolerate groups, like the Quakers, that refuse to recognize their duties to the state. In doing so, the state is trusting that these groups will remain functionally marginal to the life of the state; indeed, it is relying on the power and rationality of its institutions to "reduce and overcome" the false standpoint taken by such groups (*PR* §270, Hegel's note).

are compatible with the needs of the state, since the state, and not our subjective dispositions, is the ultimate guarantor of the existence of freedom. The standpoint of ethical life marks a more *concrete* existence of right because it incorporates both the previous concepts of right (Abstract Right and Morality) within itself while also recognizing those ethical considerations (primarily, so-called “reasons of state”) that serve as proper exceptions to the requirements of abstract reason and morality formally considered. Nonetheless, this subordination of morality to ethical life does not annul our moral obligations; to the contrary, ethical life limits the claims of morality only in truly exceptional circumstances.⁵⁴ In most ordinary circumstances, our ethical responsibilities are not only fully consistent with acknowledging the authority of the dictates of abstract right and of morality, they reinforce them; we cannot fulfill our ethical obligations as workers, for example, without respecting abstract right and internalizing moral values. The importance of those exceptional circumstances where ethical considerations trump right or morality, then, is not due to their frequency but to the fact that these exceptions reveal ethical life as the ultimate basis or ground of all normative rights and moral duties.

Ethical life and world history

The third sort of conflict implied by Hegel’s typology of justificatory concepts, the conflict between ethical life and world history, presents the greatest interpretive difficulties. It will be coming in for extensive treatment in [Chapter 5](#). Hegel claims that just as the rights of an individual (moral considerations) must be subordinated to the rights of the state (ethical considerations), the rights of the state must be subordinated to “the right of the universal state, the spirit of the world, which strikes down inferior spirits when they oppose it or stand in its way” (*LNR* §8 R). He says that only this “right of the world spirit is the unlimited absolute [*das uneingeschränkt absolute*]” (*PR* §30 R). Given what has been said about the other two conflicts, it would be natural to take this to mean that ethical considerations hold as supreme for individual agents except in those

⁵⁴ Heller (1921) maintains that all normative considerations are ultimately subject to considerations of power politics in Hegel. Friedrich Meinecke, however, has shown that this is an overstatement, since the highest purpose of the state is precisely the preservation of our abstract rights and morality within ethical life (see Meinecke 1998, pp. 343–69, esp. p. 367). He rightly concludes that nothing Hegel says about the state would legitimate the sacrifice of the latter for the sheer increase of national power. Meinecke’s interpretation has the merit of recognizing the supremacy of reasons of state in Hegelian thought without exaggerating the anti-moral implications of that commitment.

exceptional circumstances when a more rational state will be brought into existence through their violation. Indeed, Hegel appears to say as much when he points to his favorite instance of the collision between ethical and world-historical considerations:

For example, there was no greater right than that Rome should be a republic; but for the sake of the spirit of the world, whose tool he was, Caesar had the right to overturn the republic, yet Brutus meted out justice, his right deserts, to Caesar as an individual.⁵⁵

This passage suggests that world-historical reasons have a higher justificatory force in determining the value of actions; that even though Caesar's highest ethical obligation was to preserve the Republic, he was personally justified in overturning the Republic because this would further the ends of reason in history. But it is important to note that even in the above passage Hegel clearly indicates that world-historical justifications do not justify the agent "as an individual." The priority of the world-historical over the ethical is not meant to prepare us for cases where an individual is enjoined to disregard legal, moral, and ethical considerations in the name of world history, but to point to cases where we must recognize that individuals do not suffer wrong despite being subject to the violence of world-historical agents. This spectatorial and retrospective justification is a part of Hegel's theodicy, not his moral philosophy proper. When the realization of a more rational state has required the destruction of a form of ethical life, Hegel claims that this destruction is something we must understand ourselves as willing insofar as we are rational beings. Since such destruction comes through world-historical agents, we must understand ourselves as affirming those actions as a necessary condition for the realization of human freedom in history.

As in the other cases, Hegel emphasizes that there is a collision between the rights of the state and the rights of world spirit only insofar as the former are considered formally, or in abstraction from the question of their historical justification. In circumstances where ethicality comes into conflict with world history, he says there is "merely a formal kind of justice, abandoned by the living spirit and by God" on the side of those who opposed the world-historical agent in the name of the existing order (*LPWH*, 141; *VG*, 71). But this does not mean that those who oppose the world-historical agent are to be blamed. Unlike in the other sorts of collision, this sort is *tragic* insofar as those who are opposing the higher

⁵⁵ *LNR* §8 R.

right cannot know that they are ultimately in the wrong – from their vantage point, which is the vantage point of their society, they must be considered fully justified in opposing the world-historical agent. They do not know that the imperfectly rational order that they are acting to support has lost its justification, that circumstances have arisen which make it possible to replace the existing order with something more rational. This can only be seen from the world-historical point of view. It is thus only from this higher vantage point that Caesar's actions, for example, are fully justified and Brutus's opposition is not.

Again, it is clear that Hegel thinks such conflicts are rare. The opposition between abstract right, morality, and ethics, on the one hand, and world history, on the other, only occurs in truly exceptional circumstances: those where the historical justification for the institutions and laws of a given state has disappeared. For most everyday circumstances, there is no conflict at all. The aim of world spirit, the achievement of freedom in history, is usually best served precisely through conventionally legal, moral, and ethical action, for it is by conforming to these accepted forms of right that we preserve our ethical life and so our freedom. We recognize the supreme importance of world history, though, when we realize that the achievement of a more complete actualization of human freedom presupposes the historical transformation or even destruction of previously existing forms of ethical life; indeed, it has required the "downfall of the most brilliant cultures of the past" (*LPWH*, 32; *VG*, 35). When we realize this, we can see that what appeared to be an unmitigated tragedy from the point of view of the people who were involved in it, actually served a higher purpose, one that we recognize not as citizens but as members of the human race.

Conclusion

We started with a simple picture of action and its relation to justificatory reasons. According to that simple picture, actions are defined as those expressions of the will in existence that make an implicit claim to be justified in the eyes of others. If that claim is congruent with the concept of right that it invokes, then the action is justified; if it fails to be congruent with the concept of right, it is unjustified. Hegel enriches this picture by identifying four different but equally necessary concepts of right which give us four different senses in which an action can be justified: as rightful, moral, ethical, or world-historical. I have tried to show that each of these concepts of right has a necessary link to the object it is supposed to assess:

it has an essential connection, that is, to a specific notion of action. When a concept of right proves to be incomplete, to admit of cases of action whose rightfulness or wrongfulness is indeterminate or undecidable, we are forced to invoke a new concept of right that can resolve the indeterminacy. This new concept of right brings with it a richer notion of action, one that incorporates an additional dimension into the previous model. The simpler forms of right thus correspond to more formal or one-sided characterizations of action, and the higher forms of right correspond to more concrete, multi-dimensional characterizations of action.

The superiority of both the higher concepts of right and richer models of action comes precisely from this gain in comprehensiveness. A more advanced concept of right can both justify the general applicability of the lower concepts and justify certain admittedly rare exceptions to those lower concepts because it has more of the action in view; it can see a dimension of action that is sometimes relevant to the justification of action which the lower concept is incapable of registering because of its own abstractness. There is conflict between lower and higher rights, then, only insofar as the lower right is considered in a "formal" sense, as being applied independently of those higher considerations that properly limit its applicability. This happens when we think that justification concerns only a single aspect of an action, like its external rightness, and can ignore other potentially relevant aspects, like its internal motivation. But when a lower concept is known to be restricted to a certain dimension of action, it need not be jettisoned. It can be understood as a partial moment of the higher and more concrete concept of right that covers the whole action. When viewed in this way the lower concept is "sublated" in the higher, just as the correspondingly one-sided view of action that it corresponds to is retained in the richer one that replaces it.

This gives us a sense of how the whole of Hegel's *Philosophy of Right* contributes to his theory of action. We start with the simplest form of right and the simplest model of action. Hegel shows that we are required to posit these additional dimensions of agency precisely because the insufficiencies of the lower concepts of right demand the move to higher concepts. His philosophy of action thus develops in lockstep with his moral and political philosophy. The progression through the four concepts of right that we see in the *Philosophy of Right* is thus accompanied by the development of a four-dimensional account of agency.

That picture of action is, of course, only justified if the underlying conceptual progression from abstract right through world history is itself necessary. To fully demonstrate that, of course, would require reproducing

the dialectic of the *Philosophy of Right* as a whole. In lieu of a complete demonstration, I will spend the next two chapters focused on what I take to be the two most controversial claims implied by the above picture: first, the claim that the highest court of appeal in determining the responsibility of individual agents is the standpoint of ethical life, and second, the claim that the right of world history presents normative considerations that entirely transcend legal, moral, and ethical considerations. Though they disagreed about how the two concepts were related, Kant and Fichte were in agreement that we need some notion of external rightness to determine the permissibility of action, and some notion of internal rightness to determine its morality. And, indeed, similar distinctions still have currency today.⁵⁶ Hegel's practical philosophy stands out, then as now, primarily because of his suggestion that we need the third and fourth concepts, ethical life and world history, and so it is to these that we must now turn.

⁵⁶ See, e.g., Scanlon (2008).

The inner–outer thesis

In the *Philosophy of Right*, Hegel appears to place two independent conditions on the imputation of moral responsibility. The first condition concerns “the wholly external judgment as to whether I have done something or not” (PR §115 A). Something satisfies this condition, he says, if it is an alteration in objective existence that was brought about or set on foot by an agent. In this chapter, I will be calling this the external requirement. The second condition goes beyond this external judgment: it stipulates that the agent must have known and willed what she was doing if she is to be held truly accountable for it. I will be calling this the internal requirement. Roughly speaking, those aspects of what we do that only satisfy the external requirement constitute our deed (*Tat*), and those aspects of what we do which satisfy both requirements are our action (*Handlung*). These are not different kinds of act, but just two ways of looking at the same act-event. To illustrate this difference Hegel often turns to the case of Oedipus: when Oedipus killed the stranger who turned out to be his father, his deed was rightly described as a parricide, even if his action was merely homicide in self-defense. Hegel says that although we are responsible in a general sense for anything that satisfies the external requirement, we can only be held accountable for something if it satisfies both requirements. It would appear, then, that something can satisfy the external requirement without satisfying the internal requirement: that we can be externally responsible for something, without being internally accountable for it.

Hegel, however, goes on to posit a further thesis about action that places the independence of these two conditions, and so the difference between deed and action, in doubt: he claims that the inner and outer aspects of action are ultimately identical. Hegel’s “faith in the transubstantiation of inner and outer,” as he memorably puts it in a letter to Goethe, is given its most abstract philosophic formulation in the *Encyclopedia*

Logic.¹ There, he says “[t]he outer [*Das Äußere*] is, first of all, the same content as what is inner [*das Innere*]. What is internal is also present externally, and vice versa; appearance does not show anything that is not within essence, and there is nothing in essence that is not manifested.”² Although Hegel’s concern here is primarily with logical or metaphysical issues, he explicitly applies the inner–outer thesis to the case of action in the additions to the *Encyclopedia* account and throughout his other writings.³ In a characteristic passage, he says:

The way a man is externally [*äußerlich*], i.e., in his actions (not of course just in his merely corporeal externality), that is how he is internally [*innerlich*]; and if he is *only* internally virtuous or moral, etc., i.e., *only* in his intentions, and dispositions, and his outer [*sein Äußeres*] is not identical with those, then the former is as hollow and empty as the latter.⁴

So although Hegel’s theory of action marks a distinction between the outer deed and the inner will, he is also interested in asserting the emptiness or falsity of that distinction.⁵ He goes so far as to say, in one handwritten note, that, in the actuality of ethical life, one can no longer say what the inner and outer are.⁶ This inner–outer thesis would appear to cancel the distinction he has just drawn between what we are externally responsible for and what we are internally accountable for. Any adequate account of Hegel’s theory of responsibility thus faces two seemingly incompatible tasks: it must both distinguish between the outer deed and the inner will and show why they must be ultimately reconceptualized as identical, as two inseparable moments within a single underlying unity.

The inner–outer thesis thus has all the markings of that most notorious of Hegelian inventions: the dialectical identity claim.⁷ Hegel is not arguing that inner and outer are analytically identical but something more characteristically Hegelian: that the distinction between the inner and outer sides of action negates or contradicts itself, passing over into a higher concept in which both sides are reconciled. Since dialectical identity claims depend on a

¹ *HL*, August 2, 1821. Goethe himself expresses something very similar to Hegel’s inner–outer thesis in his 1821 poem “Epirrhema”: “Nichts ist drinnen, nichts ist draußen; / Denn was innen, das ist außen. / So ergreift ohne Säumnis / Heilig öffentlich Geheimnis!” (Goethe 1850–51, p. 362).

² *EL* §139. ³ See also, e.g., *LPWH*, 57; *VG*, 66 and *LA* 1:187–89; *A* 1:246–48. ⁴ *EL* §140 Z.

⁵ *PR* §109 makes the same paradoxical claim about the nature of volition in the related vocabulary of subjectivity and objectivity: “The two sides [of willing] must be distinguished – each for itself – and posited as identical.”

⁶ The full fragment reads: “*lebt*, d.i. wirklich ist, Einheit des Inneren und Äußeren, daß man nicht mehr sagen kann, was das Inneren und Äußere ist” (*TWA* 7:290).

⁷ This is noted by Pippin (2008), p. 166. Pippin gives a helpful treatment of the general nature of Hegel’s identity theory in Pippin (1989), pp. 79–88.

transformation of the terms used to pose them, they are often criticized for resting on obscure or dubious equivocations. Although these apparent obscurities and equivocations are sometimes defended by true believers as necessary features of any theoretical examination of a dynamic subject matter, this need not discourage us from attempting to carefully delineate the various stages in Hegel's argument.⁸ Hegel himself gives us a straightforward example of what it would mean to disambiguate a dialectical argument in the *Encyclopedia Logic*. There, he points to the mathematical discovery that the apparent opposition between a straight line and a curve (which are “utterly distinct for the understanding”) can be dissolved insofar as one imagines the circumference of a circle, for example, as consisting of an infinite number of infinitely small straight lines.⁹ In this case, the understanding marks a difference between curved and straight lines, but it takes a relatively sophisticated mathematical account (the calculus) to show that they are not opposed concepts but can in fact be redefined in terms of each other.

In this chapter, I will attempt a similar disambiguation of the inner–outer identity thesis as applied to action in the *Philosophy of Right*; one that both shows in what sense inner and outer aspects of action can be said to be distinct, and yet goes on to demonstrate what it would mean to dialectically redefine them as identical. In Hegel's philosophy, it is only the discovery of a contradiction between any two necessary concepts that can force us to dialectically reformulate them as identical, or as interdependent moments of a single concrete totality.¹⁰ In this case, then, Hegel needs to show that external responsibility and internal accountability are both necessary and yet mutually contradictory (at least insofar as they are considered “abstractly,” or in isolation from each other) if he is to justify the claim that they should be redefined as identical in the speculative sense. Unfortunately, however, two major interpretive obstacles have obscured any view of the contradiction between inner and outer in action. As we will see, both of these obstacles are generated by the attempt to read Hegel's theory of responsibility in light of the traditional problem of reconciling causal determination (as outer) with freedom (as inner), rather than in terms of the problem of reconciling the competing demands of abstract right (as outer) and morality (as inner).¹¹

⁸ For an example of such a defense, see Adorno (1994), esp. pp. 95–109. ⁹ *EL* §42 A2.

¹⁰ On the crucial role of contradiction in Hegel's dialectic, see Steinberger (1988), esp. pp. 55–62; Forster (1993), esp. pp. 141–44; and Redding (2007), chapter 7.

¹¹ Hegel's account of action in the first part of the Reason section of the *Phenomenology of Spirit* is clearly intended to address the traditional free-will problem, and indeed does so in terms of a contrast between the inner and outer. My claim only concerns the role these play in the *Philosophy of Right*.

First, it is typical to understand the external condition on responsibility as a basically causal requirement. It is assumed that someone is responsible for something in this sense if they brought it about in an empirical sense. Since it is obviously possible for someone to have causal responsibility for something without having moral responsibility for it, such an understanding of the external condition makes it extraordinarily difficult to see why Hegel believes there is a contradiction between outer and inner. In the first section, I will argue that external responsibility cannot be understood in this way. In determining whether an act satisfies the external condition on responsibility, Hegel is not asking whether the act was brought forth by the agent in a causal or empirical sense, but whether he is responsible for it in a broadly forensic sense. This sort of responsibility is necessary insofar as our freedom requires living in rightful relations to others as that is defined in Abstract Right. To say that an act satisfies the external condition is to say that it can be judged rightful or wrongful, as consistent or inconsistent with the property rights of others. Since this external verdict implies a kind of strict liability for violations of right, it will eventually turn out to contradict the internal conditions on responsibility that are posited in Morality, which attempt to limit our responsibility to what we knowingly or intentionally did.

The second interpretive obstacle that has prevented a proper formulation of the inner–outer problem in the *Philosophy of Right* concerns the right way to interpret the internal conditions Hegel places on responsibility. Michael Quante's meticulous reconstruction of Hegel's position in *Hegel's Concept of Action* has given rise to a tendency to break up Hegel's discussion of action in Morality into two conceptually independent arguments: a fairly austere theory of action, on the one hand, and a somewhat richer theory of moral responsibility, on the other. Although Quante recognizes that the Morality section involves an account of the broadly epistemic conditions that must be satisfied for an action to be imputed to someone, he thinks we must separate the kind of agent's knowledge required for action itself (immediate knowledge of what we are doing) from the kind that is required for moral responsibility (knowing why we are doing something and whether it is right or wrong). This has the effect of creating an asymmetry between the cognitive requirements of action imputation and those involved in the attribution of moral responsibility; the former are much weaker than the latter.¹² In the second section, though, I show that Hegel does not distinguish between the conditions

¹² Quante explores the asymmetry his account gives rise to more fully in Quante (2010).

of imputation of action and the conditions for the imputation of moral responsibility, so this asymmetry is illusory. For something to be imputed to us as our action at all, all three of the cognitive conditions on moral responsibility must be satisfied: we must not only have immediate knowledge of what we are doing, we must also have known why we were doing it, and whether it was good. Once it is recognized how high Hegel sets the cognitive bar on the imputation of actions, it becomes possible to see that the entire dialectic of Morality is driven by the same problem: that of reconciling the internal conditions of responsibility entailed by the moral point of view with the external requirement on responsibility presupposed by Abstract Right.¹³

In the third and fourth sections, I will finally turn to these problems, to the contradictions that arise between external and internal requirements on responsible agency, requirements placed on agency by Abstract Right and Morality, respectively. I will show that the conflict between the outer deed and the inner will takes three forms that correspond to the three cognitive conditions Hegel has placed on responsible action. In each case, I show how Hegel dissolves the contradiction by re-interpreting the inner and outer such that they are simply two perspectives on what, from the point of view of ethical life, is the same content. I will conclude by reflecting on the significance of Hegel's appeal to ethical life for the determination of what we are responsible for.

The outer deed

I have already mentioned the standard departure point in discussions of Hegel's theory of action: his distinction between deed (*Tat*) and action (*Handlung*). When Hegel distinguishes between these two terms, which is not always, he uses them to mark two different ways of viewing a single act-event: a characterization that abstracts from the agent's internal intentions and one that is limited to what the agent knew she was doing or willed to do. Hegel first explicitly makes the *Tat/Handlung* distinction in the same texts in which he first explicitly treats responsibility: the

¹³ Quante certainly recognizes that there is a tension between the cognitive conditions Hegel places on moral responsibility and what Hegel calls the "right of objectivity" (Quante 2010, p. 227). But he thinks one could search the whole *Philosophy of Right* for answers on how to ease this tension without finding any. At best, he thinks Hegel provides reasons for thinking that the gap between these is not absolute or insurmountable. Inner and outer do not always conflict, and perhaps do not normally conflict, but the tension between them remains a "persistent problem" (*ibid.*, p. 228). I hope to show that Hegel can be read as offering much more than this.

propaedeutic texts written while he was teaching at the Gymnasium in Nuremberg (1808–11). There he relates *Tat* and *Handlung* to rival historical “conceptions of responsibility [*Begriffe von Schuld*].”¹⁴ *Tat* corresponds to the Ancient Greek notion according to which a man is responsible for the entire extent of what he has done, regardless of whether he was conscious only of one aspect of his deed and not of others. *Handlung* corresponds to the modern notion that limits responsibility according to “what lay in the resolve or consciousness” of the agent.¹⁵ In his 1817–18 lectures on natural right, these rival conceptions are linked to two different ways of speaking about responsibility: being responsible (*Schuld sein*) and having responsibility (*Schuld haben*). Hegel says the will *is* responsible both for its deed (the alteration in the existent situation) and for the consequences of its deed, but that it only *has* responsibility for its action: “those elements of the deed of which [the agent] has knowledge in [her] purpose” (*LNR* §55 R). Finally, in the 1818–19 lectures and in the published version of *Philosophy of Right* (1821), this distinction between being responsible and having responsibility is reformulated as one between responsibility (*Schuld*) and accountability (*Zurechnungsfähigkeit*). Hegel says that although the agent has responsibility in a general sense for her deed, for “the alteration to this given existence,” this responsibility does not entail that the thing can be imputed (*imputiert*) to the agent. What can be imputed to the agent are only her actions, “those aspects of [her] deed that it knew to be presupposed within [her] end, and which were present in [her] purpose” (*PR* §§115 and 117). She is responsible for her deeds, but only accountable for her actions. As this brief survey shows, although the terminology Hegel uses to characterize these two forms of responsibility changes, his writings from 1808 onwards are all concerned with the same basic task of differentiating a more minimal sense of responsibility that attaches to external deeds from a more robust sort that is needed for the imputation of actions.

Many commentators have characterized the difference between these two conceptions of responsibility as a contrast between a merely empirical sense of responsibility and a properly normative one.¹⁶ The deed, on such an interpretation, corresponds to the former of these two notions; it is what we are *causally responsible* for. This is nothing other than the event-character of the action, the intervention the will makes in the world and

¹⁴ *PP*, 15–16 (translation modified); *TWA* 4:223–24. ¹⁵ *PP*, 3; *TWA* 4:206–07.

¹⁶ The most sophisticated version of this reading is Quante (2004), where it is claimed that Hegel’s notion of the deed conflates the event-character of actions with their legal character, but that the former is properly independent of the latter (p. 107). But see also the references below.

the entirety of the empirical consequences that follow. The action, however, is what we are *morally responsible* for. It is the deed under the description with which it was willed or intended. This interpretation has the benefit of showing how Hegel's distinction between deeds and actions can be brought to bear on contemporary action theory, as it anticipates Davidson's distinction between events and actions.¹⁷ It also has the benefit of providing a straightforward Hegelian rendering of the two standard conditions on moral responsibility mentioned at the beginning of the chapter: the external requirement is met by causal efficacy and the internal requirement is met by knowledge of what one is doing. In this section, however, I argue that this interpretation involves a subtle but important misunderstanding of Hegel's notion of a deed, one that prevents a proper articulation of the inner–outer problem. The deed is not the action as a bare spatio-temporal event but what was described in the last chapter as the legal action (*gerichtliche Handlung*), the action from the point of view of the requirements of abstract right.¹⁸ The basic sort of responsibility (*Schuld*) we have for our deeds is thus not mere causal responsibility but answerability in a broadly legal sense.¹⁹

In the *Philosophy of Right*, Hegel gives the following characterization of deed and its relation to responsibility: “The deed [*Tat*] posits an alteration to this present existence, and the will has responsibility [*hat schuld überhaupt*] insofar as the abstract predicate ‘mine’ [*Meinigen*] attaches to that altered existence” (*PR* §115). Now, undoubtedly, this notion of the deed implies some sort of causal modification of existing circumstances in the world. So it would be natural to assume that some given circumstance or state of affairs is *mine* insofar as *I* caused it, insofar as it would not have occurred if I had not done what I did.²⁰ Since Hegel clearly says that

¹⁷ Robert Brandom has emphasized this in Brandom (2013). Brandom is right to emphasize two key beliefs that Hegel shares with Davidson: the idea that the same event can be described or specified in multiple ways and the idea that an action is intentional only under the description or aspect that includes an agent's knowledge of what he was doing. But, as I will shortly show, I think it is a mistake to read Hegel's *Tat/Handlung* distinction as mapping onto Davidson's distinction between event and action.

¹⁸ I am thus denying that “legal action” is only one species of deed, and that the latter can be defined as a residual category, one that includes all perspectives on action except those that include the conscious intention. For examples of the view I am rejecting, see Quante (2004), p. 16, and Sandis (2010).

¹⁹ On the use of answerability in this sense, see Duff (2009). By legal action all that is meant is action determined by the rules of Abstract Right, action insofar as it is susceptible to criticism for failing to respect the rights of other persons. When Hegel introduces this notion, he has not yet introduced law in the positive sense.

²⁰ See Quante (2004), p. 115, and Wood (2010), p. 123.

the deed can have aspects and consequences alien to my knowledge, this rendering of “mineness” would give us a notion of responsibility that covers the whole series of those changes that constitute my deed or were set on foot by my deed, whether I was aware of them or not, a notion that extends to the entirety of my deed’s empirical consequences in the world.²¹ If I am responsible for anything that can be said to be mine, and what is mine is what I caused, then it can be concluded that the relevant sense of responsibility in this passage is nothing other than causal responsibility.²² Such an interpretation would also agree with Hegel’s additional remark that “responsibility [*Schuld*] involves the wholly external judgment [*äußerliche Beurteilung*] as to whether I have done something” (*PR* §115 A). Here, the judgment that something was caused by me is external in that it is independent of any normative descriptions or psychological intentions.²³ To make such a judgment one would simply need to place the action in the “causal framework to which deeds belong,” as one recent commentator nicely puts it.²⁴

The flaw in this interpretation comes from a failure to attend to what Hegel means by saying that responsibility only extends to those alterations in existence that are *mine*. For Hegel, “mineness” is a technical term: it involves the achievement of some sort of self-relation and thus requires some minimal self-awareness. So although we can certainly view a raindrop falling into a puddle within a causal framework, it would not be appropriate to speak of the resultant splash as *belonging to the raindrop* in Hegel’s technical sense. The most rudimentary form of mineness that Hegel recognizes is the capacity to experience one’s sensations as one’s own: a capacity he thinks we share with animals.²⁵ But Hegel is quite explicit that even animals do not experience their practical activity, what they do, as their own.²⁶ For a practical activity to be “mine,” I must have a will, a mind aware of itself as having ends, one that can recognize itself as operative in the world in order to achieve such ends, and such self-consciousness is a uniquely human capacity.²⁷ But even this basic sort of practical “mineness,” a kind characteristic of willing as such, is not enough

²¹ See Derbolav (1975) and Jermann (1987) for similar formulations.

²² This conclusion has been reached despite the fact that Hegel never unambiguously uses *Schuld* in this sense of causal responsibility (although the ambiguous passage at *PR* §115 R is often read as evidence of such a view, even by the otherwise reliable Alznauer 2008, p. 374).

²³ This is a consequence explicitly drawn by Quante (2004), p. 107.

²⁴ Deligiorgi (2010), p. 105. ²⁵ See *PN* §357a Z.

²⁶ *LNR*, II: “An animal does not, properly speaking, do anything, still less can it act.”

²⁷ See *PM* §469.

for activity to constitute a deed (*Tat*). For the product of the will to begin to “become deed and action [*Tat und Handlung zu werden*],” Hegel thinks a further condition must be satisfied: the will must have a universal content, it must be aware of its own freedom.²⁸ It follows that the “mineness” characteristic of deeds and actions cannot be identical to causal responsibility and is more advanced than the sort that is present in mere willing, involving a richer self-relation, one that presupposes consciousness of freedom.

A further constraint on our interpretation of “mineness” in this passage (*PR* §115) comes from the difference between the categories of deed and action. Action (*Handlung*), unlike deed (*Tat*), implies a sort of “mineness” in which my subjective end is recognized as external objectivity. Hegel says I recognize only what I knowingly and willingly did as my action. We will explore what it means to knowingly and willingly do something in the following section. But whatever that might amount to, we can conclude that the specific sense of “mineness” implied by the notion of a deed must involve more self-awareness than mere practical activity or willing, but less than the sort implied by action proper.²⁹ The only sense of “mineness” that fits this double restriction is the one Hegel employs throughout Abstract Right: the “mineness” that flows from rightful ownership. In Abstract Right, Hegel claims that something “acquires the predicate of ‘mine’” only when a person manifests herself as the possessor of an external thing.³⁰ Hegel in fact defines personality as the activity (*das Tätige*) of positing some external existence as its own (*das Ihrige*).³¹ For something to be mine in this sense is for it to be rightfully attributed to me. To say that I am responsible for changes in existence *insofar* as the predicate “mine” attaches to such existence is to say that determining responsibility requires attention to the normative boundaries of personhood and property.³² The crucial point is that mineness in this sense can only be determined within a normative framework: it picks out only those aspects or consequences of what I did that can be attributed to me as a rights-bearing person. If that is so, whether one has external responsibility (*Schuld überhaupt*) cannot be assessed from within a purely causal framework; it requires understanding the act as taking place within a nexus of recognized persons and their property.³³

²⁸ *PM* §469 Z. ²⁹ *PR* §110. ³⁰ *PM* §489. ³¹ *PR* §39.

³² As Terry Pinkard puts it, a person’s responsibility is determined “by virtue of his ‘social space’ – that is by virtue of the responsibilities the rules of that ‘social space’ assign to him” (Pinkard 1994, p. 283).

³³ For this reason, I think that Arthur Ripstein is wrong to suggest that Hegel has an “agency conception” of responsibility as opposed to the “reciprocity conception” he favors (Ripstein 2004).

This interpretation of “mineness” as causation mediated by rights claims is confirmed in the paragraph immediately following his definition of deeds, a paragraph that helps us understand what role normative considerations play in assigning external responsibility for what one does. There Hegel attempts to anticipate a potential misunderstanding of his position: one that takes his emphasis on deeds as implying a more restricted notion of “mineness” than we saw in Abstract Right, one limited to the activity of my physical person and not extending to my external property. He says:

It is admittedly not my own deed [*meine eigene Tat*] if damage is caused to others by things of which I am the owner and which, as external objects, exist and function within a varied context (as may even be the case with myself as a mechanical body or living entity). But the fault [*fällt*] is more or less mine, because the things which caused [*verursachen*] it are after all mine [*meinigen*], although they are in turn only more or less subject to my control [*Herrschaft*], supervision [*Aufmerksamkeit*], etc., each according to its own distinct nature.³⁴

In this passage, Hegel gives us a clear indication of the sort of responsibility that attaches to external deeds, indicating that it also attaches to “things of which I am the owner.” I think we can see three related ways the “external” notion of responsibility that is treated in this passage can be distinguished from mere causal responsibility.³⁵ First, and most obviously, external responsibility in Hegel’s sense extends beyond your conscious bodily interventions in existence (deeds proper) to states of affairs brought about by what is recognized as your property; if your sheep get out of your pen, and eat your neighbor’s flowers, you are responsible for these consequences primarily because the sheep belonged to you. Of course, there is some sense in which your sheep can be said to be “more or less” under your causal control, but Hegel’s comments surely imply that you are *not* externally responsible for your neighbor’s sheep escaping his pen even if you could have prevented them from doing so just as easily (say, by building your neighbor a better pen). You are not responsible for the damage his sheep might do only because they are not your sheep, not because you could not have prevented them from doing that damage. Second, although causal responsibility is not sufficient for a determination of fault (*fällt*), responsibility for deeds appears to be. Here and in other passages, Hegel

³⁴ *PR* §116. The 1818–19 lectures on natural right make a similar point (*LN*R §62).

³⁵ Causal responsibility is of course notoriously hard to define. Here I am following Quante, who says an event is causally responsible for another event insofar as the former was necessary for the latter to happen (Quante 2004, p. 115).

indicates that mere external responsibility is all you need for civil liability.³⁶ When we are externally responsible for damage in Hegel’s sense, we are answerable for it – although in saying that I must answer for it, we are not yet saying we must accept moral blame for it. Third, my external responsibility for the consequences of my deeds would appear to be fully interrupted if the so-called chain of causality passes through another agent. David Lewis has noted that in a strict sense, all of us “have caused ever so many people to die, most of them people yet unborn.”³⁷ Had we not lived, many deaths would not have happened as they did. Unlike this kind of unlimited causal responsibility for anything that would not have occurred were it not for your deeds, responsibility for deeds is defeasible in a way made well known by H. L. A. Hart and A. M. Honoré. According to their account, my responsibility for consequences is “negatived” by the free and deliberate decisions of other human beings. In Hegel’s terms, the relevant chain of causality is interrupted (*abzubrechen*) or transmuted (*verwandeln*) when it goes through another agent.³⁸ As these considerations make clear, external responsibility for alternations in existence differs from mere causal responsibility precisely to the extent that it is fully mediated by concepts of right.³⁹

When Hegel draws the *Tat/Handlung* distinction, then, he is not introducing a contrast between action viewed in a causal framework and action viewed in a normative framework, he is looking at how the same act-event shows up in two different normative frameworks: namely, those of Abstract Right and Morality. To describe something as an external deed means “applying a universal predicate to it, classifying it as arson, murder, or the like” (*PR* §119 A). To say someone is responsible for something in the framework of Abstract Right is to say it is a permissible or impermissible expression of the will in existence for which the agent is the cause in a forensic or broadly legal sense. We have seen (in [Chapter 2](#)) that someone is only subject to the norms of right insofar as she is a recognized person in some actual state. So to be responsible in this external sense, an agent must be a recognized person and the change must have been in her control

³⁶ See *LNR*, III.

³⁷ Lewis (1987), pp. 184–85. Sensibly enough, Lewis denies that causing someone’s death in this sense is equivalent to killing him.

³⁸ See *SL*, 496; *GW* II:400–01.

³⁹ The above comments are heavily reconstructive. Hegel himself says very little about what exactly is involved in mere external responsibility. As we will see shortly, his interest is primarily with internal or epistemic conditions required for full accountability. The classic account of causation in the law given by Hart and Honoré (1959), which I have been drawing from here, is itself a much richer exploration of these issues than anything that can be found in Hegel.

according to the everyday understanding of control that we see used in legal contexts (where direct causal control is neither necessary nor sufficient).⁴⁰ This implies, of course, that insofar as someone is not a recognized person, her acts will not satisfy the external requirement on responsibility – they will not count as deeds at all.⁴¹ For example, although a legal slave is certainly capable of causing things to happen, and even of willing that things happen, his acts are not his *own* in the relevant sense – as far as questions of responsibility are concerned, his acts express his master’s will rather than his own. It is because of this that the slave is not responsible for what he does: the right or wrong of what he does cannot be attributed to him, but must be attributed to his master. Although this might seem a surprising consequence considered by itself, it is exactly what we should expect given Hegel’s account of the social conditions of agency.

The inner will

I suggested at the beginning of this chapter that Hegel’s full account of what we normally term moral responsibility involves an external requirement and an internal requirement. We have just seen that the external requirement postulates that an agent is externally responsible, or answerable, for those modifications in existence that she had control over in a forensic sense. I will follow Hegel in referring to what we are responsible for in this sense as our deed (*Tat*), but this should be understood as synecdoche, since, as we have seen, he thinks we are also externally responsible for modifications in existence that are caused by things we own (like the sheep in the example above). Hegel is clear, though, that external responsibility is only one half of the picture. He says “the fact that I am responsible for something does not mean the thing can be imputed to me,” or that I be “made accountable” for it. For my deed (*Tat*) to be imputed to me, for it to be my action (*Handlung*), he thinks it must satisfy a further,

⁴⁰ As Pippin puts it, we want to know “who caused the death of the butler, who fired the gun that brought about the butler’s death” (Pippin 2010, p. 512). Pippin claims saying someone is responsible in this forensic sense does not hinge on any metaphysical questions of agent-causality. For a sophisticated recent argument to the contrary, see Yeomans (2011), which contends that Hegel’s expressivist theory of agency cannot sidestep the traditional free-will problem.

⁴¹ This claim also plays an important role in Hegel’s *Lectures on the Philosophy of World History*. There, he says there can be no objective history prior to the development of “a state which is conscious of its laws,” because prior to that point there are no “clear deeds [*klare Taten*]” (LPWH, 136; VG, 165). Since deeds require an objective normative framework in order to be given a determinate characterization, they cannot exist in any full or complete sense prior to the establishment of such a framework.

internal requirement, one that Hegel terms “the right of the subjective will” or, less frequently, “the right of the moral will.” The right of the subjective will states that “the will can *recognize* something or *be* something only insofar as that thing is *its own*, and insofar as the will is present to itself in it as subjectivity” (PR §107). In this section, I will be arguing that the right of the subjective will can be broken up into three sub-requirements: the right of knowledge, the right of intention, and the right of insight.

Although the exact content of these three sub-requirements has proved hard to extract from the body of Morality, Hegel clearly states his ambition to articulate three conditions that must be met for an act to be considered an expression of the subjective will, in one of the additions to PR §114:

For an act to be moral, it must in the first place correspond to my purpose, for it is the right of the moral will to recognize, in its existence, only what was inwardly present as purpose. Purpose concerns only the formal condition that the external will should also be present within me as an internal element. In the second moment, on the other hand, the question arises as to the intention behind the action – that is, of the relative value of the action in relation to me. And lastly, the third moment is not just the relative value of the action, but its universal value, *the good*.

In the following, I will be arguing that these three requirements can be cashed out thus: for an agent to be accountable for something, she must not only have done it (i.e., satisfied the external requirement on responsibility), she must have known (i) what she was doing, (ii) why she was doing it, and (iii) whether it was right or wrong. These three sub-requirements build on each other, and so are moments of a single unity (as Hegel claims in PR §112 R). This is why Hegel often, especially outside of the *Philosophy of Right*, simply identifies the right of the subjective will with its last and richest form: the right of insight into the good.⁴²

My interpretation of Hegel’s internal requirement as having these three components stands opposed to a recent argument that there is an important asymmetry between Hegel’s treatment of the first component, the right of the agent to know what she is doing, and the other two.⁴³ In *Hegel’s Concept of Action*, Michael Quante claims that in interpreting Morality we need to distinguish between the necessary conditions of action

⁴² See PR §132 and PM §487.

⁴³ I also have a related disagreement with Quante’s way of capturing the first requirement, as will, I hope, become clear as we progress. In this sentence, I am already putting the issue into my own preferred terms.

itself and the necessary conditions of moral responsibility.⁴⁴ For Quante, it is a necessary and sufficient condition for something to count as an action if there is some description under which it was known and intended by the agent.⁴⁵ Agency, on this understanding, does not require any “moral attitude” on the part of the agent. It is entirely compatible with “the standpoint of a rational egoist” – we need not presuppose that the agent had any insight into the moral value of what she was doing.⁴⁶ Quante thinks the second and third of the cognitive requirements Hegel identifies are not implied by Hegel’s concept of action but only by the further notion of moral responsibility. In the last chapter, I argued that Hegel admits no distinction between actions and responsible actions but in fact defines action (*Handlung*) as nothing other than those acts of the will for which we can be held responsible.⁴⁷ This section will reinforce that argument by showing that in Morality, Hegel makes no distinction between the conditions under which an action can be imputed to an agent, and the conditions under which an agent can be held morally accountable for what she has done.

The right of knowledge

The first requirement Hegel places on accountability is what he calls the “right of knowledge.” He introduces this right in the following way:

It is, however, the right of the will to recognize as its *action*, and to accept responsibility for, only those aspects in its *deed* which it knew to be presupposed within its end, and which were present in its *purpose* – I can be made *accountable* for a deed only if *my will was responsible for it – the right of knowledge*.⁴⁸

As we have shown in the previous section, the deed is everything that the agent brought about in a broadly forensic sense, but the fact that someone is responsible for something in this way does not imply that it can be imputed (*imputiert*) to the agent.⁴⁹ Here we see that what is imputable to

⁴⁴ Quante (2004) and Quante (2010). ⁴⁵ Quante (2004), p. 93.

⁴⁶ *Ibid.*, pp. 166, 169, and 172.

⁴⁷ As I suggested in the Introduction, much of what Quante takes to be true of Hegel’s concept of action is, I think, more properly attributed to the concept of the will as that is treated by Hegel at the end of Subjective Spirit in the *Philosophy of Spirit*.

⁴⁸ “Das Recht des Willens aber ist, in seiner *Tat* nur dies als seine *Handlung* anzuerkennen und nur an dem *Schuld* zu haben, was er von ihren Voraussetzungen in seinem Zwecke weiß, was davon in seinem *Vorsatz* lag. – Die *Tat* kann nur als *Schuld des Willens* zugerechnet werden; – *das Recht des Wissens*” (TWA 7:217).

⁴⁹ PR §115 A.

the agent is the action, and this is nothing other than those aspects of the deed for which the agent can be held accountable.⁵⁰ The right of knowledge is the first condition Hegel places on accountability: it states that one can only be accountable for those aspects of the deed which one *knew* one was bringing about.

Placing some kind of cognitive condition on moral responsibility is common enough; as we have seen in [Chapter 1](#), it is usually because they lack the capacity for such cognition that animals, children, and the mentally unfit are denied the status of being responsible agents. But although these cases are comparatively unproblematic, there are difficulties with specifying what kind of knowledge an agent must have had in some particular instance in order to be blamed for it. In particular, there appear to be a multitude of cases in which we hold individuals responsible for aspects of their deeds that transcend their awareness, aspects which were overlooked due to lack of imagination, inattention, poor judgment, lack of insight, etc.⁵¹ Given these cases, which we will turn to in the next section, it is very important to determine what Hegel means by insisting that the agent must have known what she was doing for the action to be imputed to her.

Hegel himself considers two possibilities: that one must know one's purpose (*Vorsatz*) or that one must know one's intention (*Absicht*). Although I have been using these two terms as synonymous ways of characterizing the end (*Zweck*) that the agent wills in practical activity, in the *Philosophy of Right* they are contrasted. Both involve the agent's cognition of what she was doing, but purpose concerns only the "determinate character of the particular action," whereas intention includes "the universal nature of the individual deed" (*PR* §118 Z). Hegel uses two examples to illustrate this distinction.⁵² The first is the difference between the knowledge that you are setting fire to some particular piece of wood and the knowledge that you are thereby committing arson. The second is

⁵⁰ Also see *PR* §118 and A; §132.

⁵¹ The full range of these possibilities is given an exhaustive treatment by George Sher, who takes them as undermining what he calls "the searchlight view" of the knowledge requirement (which equates knowledge with consciousness or awareness). As we will see in the next section, Hegel also rejects this construal of the cognitive condition on responsibility, but he does not, like Sher, think that this requires abandoning volitionalism: the notion that we are responsible for something only if we willed it. Sher cannot see this as a possibility because he takes willing to be "an essentially conscious phenomenon" (Sher 2009, p. 9). The relevant alternative to conscious willing that Hegel proposes is not the idea of unconscious willing, which Sher rejects as incoherent, but a notion of tacit willing. In other words, Hegel refuses to identify the content of our subjective will with what we are immediately conscious of in acting, and so is able to retain volitionalism even while rejecting the searchlight view.

⁵² See *PR* §119 A.

the difference between knowing you are stabbing a piece of flesh and knowing you are murdering someone. These examples show that one can have a purpose in Hegel's sense without an intention – one can set fire to this piece of wood, for example, without realizing that such an act amounts to arson – but one cannot have an intention without a purpose – for arson cannot be committed without purposefully doing something.⁵³ Purpose is thus something “children, imbeciles, lunatics, etc.” can have, whereas intention requires more “strength of consciousness and presence of mind,” it requires knowing the normatively relevant universals under which some particular act falls (*PR* §120 R; also see *GPR*, p. 387).

Michael Quante claims that the right of knowledge, for Hegel, can be satisfied by purpose alone, which he glosses as “the belief of the agent with regard to the act at the time of its completion.”⁵⁴ On this interpretation, purpose is the decisive criterion for something being an action for Hegel whereas intention marks a “higher standard of attribution” and so is not itself required by action.⁵⁵ But there are no grounds for marking a distinction between lower and higher standards of attribution in the text; in fact, there are two good reasons to deny any such distinction. First, Hegel says that inasmuch as children, imbeciles, and lunatics lack the capacity for intention, their capacity for accountability (*Zurechnungsfähigkeit*) is “totally absent or diminished.”⁵⁶ That lack of intention could imply a *total absence* of accountability implies that in such limit cases there is *no* action in the full sense, since, as we have already seen, action itself is defined by Hegel as nothing other than those aspects of the deed that can be imputed (*imputiert*) to the agent or for which the agent can be made accountable (*kann zugerechnet werden*) (*PR* §§115 A and 117). Second, Hegel explicitly groups purpose and intention together, saying “my act should be recognized only in so far as it was inwardly determined by me as my purpose *and* intention” (*PR* §110 A, my italics). In his *Randbemerkungen*, he is even more specific about their interdependency. Though Quante draws attention to one side of this dependency – Hegel's statement there that “what is intended is also on purpose” – he neglects the corresponding statement that “man must have an intention in acting, not only a purpose.”⁵⁷ These passages indicate that Hegel took *both* purpose *and* intention to be necessary cognitive conditions for an act to count as an

⁵³ “[W]as Absicht ist, ist auch vorgesetzt” (*TWA* 7:379).

⁵⁴ Quante (2004), p. 127. ⁵⁵ *Ibid.*, p. 138.

⁵⁶ “Dies Recht zu dieser Einsicht führt die gänzliche oder geringere *Zurechnungsunfähigkeit* der Kinder, Blödsinnigen, Verrückten usf. bei ihren Handlungen mit sich” (*TWA* 7: §120 A).

⁵⁷ “Mensch muss eine Absicht haben in Handeln, nicht nur Vorsatz” (*TWA* 7:384).

action, as something the agent is accountable for. Hegel's right of knowledge, then, should be construed as implying that the agent must know what particular thing she is doing and what universal it falls under in order to be held accountable for what she is doing.

The right of intention

Hegel goes on to claim, however, that accountability requires not just that the agent knew what she was doing, but that she knew why she was doing it. We can see this by examining the “right of intention” which incorporates the right of knowledge but supplements it with an additional concern for the agent's motive (*PR* §120). On Hegel's account, there are two aspects to every intention: a universal act-description that serves as the content of what is done and a particular positive end that serves as the motive. To illustrate this, Hegel returns to the example of the murderer. If someone kills a stranger for the sake of pleasure, the content of his intention is murder and his particular motive is pleasure. The right of intention implies that an agent is accountable for a deed only to the extent that it expresses her intention in both of these senses. The first aspect of the right of intention is that “the universal quality of the action shall have being not only in itself, but shall be known by the agent and thus have been present all along in his subjective will” (*PR* §120). This is nothing other than the right of knowledge we have just considered: the requirement that I know what I was doing in order to be held accountable for it. Beyond this, though, the action must also express my motive, my particular reasons for having done what I did. This motive is described in several ways; it is called the “soul and determinant of the action” (*PR* §121), the “essential intention [*wesentliche Absicht*]” (*PR* §124), and the “subjective end” (*PR* §124). Hegel calls this second cognitive condition “the *right* of the *subject* to find *satisfaction* in the action” (*PR* §121) or the “right of *subjective freedom*” (*PR* §124 R).

Hegel's account of the right of satisfaction is sketchier than the account he gives of the right of knowledge and, as we will see in a moment, of the right of insight into the good. This has, I think, obscured the role it plays in Hegel's theory of responsibility. Even careful commentators, like Adriaan Peperzak, have seen the transition from the right of knowledge to the right of satisfaction as involving an abrupt change of topic.⁵⁸ On

⁵⁸ Peperzak (2001), p. 342. Quante, on the other hand, clearly acknowledges that the right of intention plays a role in Hegel's theory of accountability, although, as was just pointed out, he thinks it is not necessary for the imputation of actions (Quante 2004, pp. 134–35).

Peperzak's account, the right of satisfaction has nothing to do with the conditions of accountability, it concerns only the subject's right to pursue his own welfare. Hegel is certainly committed to the idea that a subject has a right to pursue his own welfare, and that is certainly being defended in these sections, but if this right had no role to play in Hegel's theory of imputation, that would be surprising. In the introduction to *Morality*, Hegel clearly states that it is his intention to treat *three* aspects of the subjective will's right "to *recognize* something or *be* something only insofar as that thing is *its own*, and insofar as the will is present to itself in its subjectivity" (*PR* §107), and, as we have already seen, he explicitly identifies the second of these moments as concerning the "intention behind the action" or the "relative value of the action in relation to me" (*PR* §114). So, at least in the introduction, we are clearly led to expect that the second aspect of the right of the subjective will is a right to recognize as one's own action only those aspects of a deed that satisfied some subjective motive of the agent's. Given Hegel's stated plans, it would appear that we should take the right of satisfaction to be a further condition placed on accountability unless there is some particular reason why we cannot.

The challenge, of course, is to show that we can make sense of the right of satisfaction, the right to have your particular motive expressed in what you did, as a condition on the imputability of actions. At first glance, it looks too strong; we are certainly responsible for more than what we intended in this narrow sense. We find a helpful example of what it would mean for the condition to fail to be satisfied in [Chapter 2](#): the madman who may have a horror of murder, yet knowingly commits such an act because he was seized by an irresistible desire (*PM* §408 Z). Such a person is innocent of what he does in Hegel's technical sense of innocence precisely because his behavior, insofar as it is pathological, does not express any motive he can recognize as his own. His actions do not express his reasons to act but an irrational compulsion. If the right of satisfaction is interpreted in light of these kinds of cases, we can see why Hegel might want to incorporate it as a further cognitive condition on accountability. To be accountable for what I have done, I must not only know what I am doing, I must be able to see my action as expressive of my motive or reasons to act. Insofar as my behavior does not have this sort of intelligibility, I cannot see it as mine in the sense relevant for moral assessment. (Whether this is still too strong a requirement to place on responsibility, mainly because it appears to exclude responsibility for aspects of the action which we foresaw but did not intend, is an issue that we will return to in a moment.)

We can thus restate: the full right of intention is a right to be held accountable for those aspects of the deed which we knew we were doing (component one) and which satisfied some motive or desire that we had (component two). The imputable action is nothing other than those aspects of the deed that I knew *and* willed. From this point of view, we can see why, murder is attributed to someone, he has the right to have his intention taken into consideration. The imputable action is not murder *simpliciter* but murder for such-and-such a reason (a qualification which provides the grounds for the traditional distinction between murder in the first and second degree).

The right of insight

There is more, though. At the end of Morality, Hegel places a third and final cognitive requirement on accountability. In the crucial passage, he says:

The *right of the subjective will* is that whatever it is to recognize as valid should be *perceived* by it *as good*, and that it should be held accountable for an action – as its aim translated into external objectivity – as right or wrong, good or evil, legal or illegal, according to its cognizance of the value which this action has in this objectivity.⁵⁹

What Hegel appears to add in this passage is a requirement that I know the universal or objective value of what I have done in order to be held accountable for it – what he later specifies as “the right of insight into the good.” This third component, the right to insight into the good, can be identified with the right of the subjective will insofar as it includes and presupposes the other two components we have already treated separately. In order to know the objective or universal value of my action I must know what I have done and, since the value of an action is partly a matter of the motive for which it was done, I must know why I did it.

Michael Quante, however, has argued that the appearance here that the right of insight marks a further condition on the imputation of action is misleading. He thinks the right of insight into the good has a completely different status than the right of knowledge. Whereas the right of

⁵⁹ *PR* §132 (translation modified). The original reads as follows: “Das Recht des subjektiven Willens ist, daß das, was er als gültig anerkennen soll, von ihm *als gut eingesehen* werde und daß ihm eine Handlung, als der in die äußerliche Objektivität tretende Zweck, nach seiner *Kenntnis* von ihrem Werte, den sie in dieser Objektivität hat, als rechtlich oder unrechtlich, gut oder böse, gesetzlich oder ungesetzlich zugerechnet werde” (*TWA* 7:245).

knowledge is a genuine condition on the imputability of an action, the right of insight into the good is only required for blame, for holding an agent morally responsible for what they have done. Quante justifies this interpretation by drawing attention to Hegel's claim that moral error does not affect the imputability of the action. In the passage Quante is referring to, Hegel says:

Ignorance of the choice between good and evil does not mean that an action is involuntary (i.e. that the agent cannot be held responsible [*zugerechnet*] for it), but only that it is *bad*.⁶⁰

Since Hegel indicates that the criminal's "ignorance of the choice between good and evil" *does not* absolve him of responsibility for the crime, Quante takes this to imply that the right of insight into the good is unlike the right of knowledge, since a failure to know what you are doing *does* absolve someone of responsibility. Quante concludes from this "that the moral quality and moral judgment of an agent are *not* necessary for his act to be an action."⁶¹

But in interpreting Hegel this way, Quante is conflating moral error with lack of insight into the good. Although criminals are Hegel's paradigm for moral error, Hegel is quite emphatic that they cannot be said to lack insight into the good, for to assume they do lack such insight would be to treat them as animals and to violate their dignity as human beings. As we will see in the next section, the criminal's awareness that something is the wrong thing to do need not be in his mind at the moment of the deed any more than the arsonist needed to be consciously thinking that he was committing arson; insofar as he is a rational animal, he must be assumed to know better, to be familiar with right and wrong, legal and illegal. Genuine lack of insight into the good, on the other hand, would be total unfamiliarity with these distinctions. Like lack of awareness about what you are doing, Hegel thinks true lack of insight into the good can only be attributed to "children, imbeciles and lunatics" – *not* to criminals (*PR* §132 A). And in the cases of children, etc., lack of insight into the good does lead to the "diminishing or annulling" of accountability. Once one marks the distinction between the kind of moral error that is characteristic of criminality (ignorance that is due to vice) and the lack of insight into the good characteristic of children, etc. (ignorance due to unfamiliarity with the relevant moral distinctions), there are no textual grounds for denying

⁶⁰ Hegel's note to *PR* §140 A.

⁶¹ Quante (2004), pp. 169 and 227 (my italics).

that Hegel means to treat the former sort of ignorance as mitigating our responsibility in any way.

In this section I have shown that Hegel's argument in *Morality* is guided by an attempt to articulate an internal or broadly cognitive requirement on moral responsibility. Over the course of *Morality*, Hegel identifies three components to that requirement: a right of knowledge, a right of intention, and a right of insight. If these three conditions are not satisfied, the agent cannot be held accountable for what she has done. To use a more concrete example, if I am going to be held accountable for having committed an act of arson, more needs to be established than the fact that I knew what I was doing under some description, say putting a lit match to a banister. It must also be established that I knew my act counted as an instance of arson, knew what motive of mine I was acting on, and knew that arson is illegal or wrong. The right of the subjective will is a right to accept blame for only those aspects of what you have done that fully satisfy *all three* of these cognitive conditions.

The contradiction between outer and inner

At the beginning of this chapter, I suggested that a satisfactory account of Hegel's theory of moral responsibility needs to do two things: it must show how Hegel distinguishes between the outer and inner aspects of action and show why these aspects of action must be dialectically reconceptualized as two moments within a single unity. We have now accomplished the first of these tasks. The outer deed is what we are responsible for from the point of view of abstract right, which is concerned with determining to what extent our interventions in the external world are consistent with respecting the external freedom of others. According to the external requirement on action: we are answerable for interventions in the external world insofar as they were in our control in a forensic sense. The inner action, on the other hand, is what we are accountable for from the point of view of morality, which takes the quality of our internal will as of primary importance in the assessment of praise and blame. The corresponding internal condition on responsibility is the right to be held accountable for only those aspects of what we did that express our knowledge, intention, and insight. The question before us now concerns the relationship between our external responsibility and our internal accountability, between our objective deed and those aspects of our deed that express our subjective will.

Hegel's inner–outer thesis, like any dialectical identity claim, is motivated by a supposed contradiction that emerges when the terms under consideration are considered as independent of each other. To make his case for the inner–outer thesis, then, Hegel has to show that the external and internal requirements are somehow contradictory or mutually incompatible unless understood in their speculative identity. This might appear to be a tall order. At first glance, these requirements do not appear to contradict each other at all; indeed, there is hardly even an apparent tension between saying that we are only morally accountable for what we knew we were doing and that we are responsible in some other sense (say, a causal or legal sense) for much more than this. The disparity between these two ways of talking about responsibility would appear to require, at most, that we make a distinction between two different senses of responsibility. This is certainly the normal way of dealing with the apparent disparity between the requirements of external and internal responsibility.⁶²

From the Hegelian point of view, though, simply distinguishing between these may reconcile our intuitions but it only papers over the underlying contradiction between the requirements of our external and internal notions of freedom, a contradiction that only emerges in a scientific treatment of right. When the inner–outer problem is placed in the context of the overall argument of the *Philosophy of Right*, you can see why this kind of compromise solution would be inadequate for Hegel. Hegel thinks he has shown, in Abstract Right, that our external freedom as persons is only actual or valid if we can hold each other responsible for violations of personal and property rights, punishing them for the wrongfulness of their external deeds. This gives rise to what Hegel calls “the right of the objectivity of the action” (*PR* §120).⁶³ In Morality, on the other hand, he thinks he has shown that our internal freedom as moral subjects requires that we have the right to reject blame for any act-description that does not correspond to our knowledge and will. This is the right of the subjective will, which we have just looked at in some detail. The problem is that these two requirements contradict each other in a certain range of cases. To use an example we will return to later, when Robin Hood steals

⁶² Scanlon (2008), for example, draws a distinction between judgments related to the question of whether what one did was permissible (which do not need to take the agent's intentions into account) and judgments about the meaning of actions (which concern the quality of an agent's deliberation and reasons to act). This roughly corresponds to the distinction between Abstract Right and Morality.

⁶³ Also see *PR* §§132 R and 140 R. For a discussion of this, see Halbig (2009).

from the rich with the moral intention of helping the poor, abstract right requires that he be punished as responsible for the crime of theft, but morality declares that he is innocent insofar as he thought he was doing the right thing. In cases like these, we cannot rest content with a mere distinction between two senses of responsibility, because we are asking a *single* question: Can this person (here, Robin Hood) be rightly punished or held accountable for this particular act? To say that Robin Hood is externally or legally responsible but not internally or morally responsible is to offer a merely verbal solution to the problem, unless it is specified as to whether this means he can be rightly punished for what he did or not. And if we do specify which of these is meant, we will be forced either to choose between the two requirements or to formulate a compromise that violates both principles to some extent. If we claim that he *cannot* be rightly punished, this amounts to a denial of the external requirement. If we claim that he *can* be rightly punished, we are effectively denying the internal requirement. This is the sense in which the two principles can be said to genuinely contradict each other.

We can perhaps get a better grip on this contradiction by considering what it would mean to simply deny the necessity of either the internal or external requirement on responsibility. In his *Lectures on Aesthetics*, Hegel contrasts ancient and modern attitudes towards responsibility, especially as these show up in Greek and Romantic tragedy, as illustrating the two relevant possibilities.⁶⁴ He claims that in Greek tragedy, heroes ignore the internal requirement on imputability posited by the standpoint of morality. They are characterized by a willingness to take undivided responsibility for their deeds and the consequences their deeds give rise to; they do not attach much importance to the distinction between those aspects of the deed that were done knowingly and intentionally and those that were not. Oedipus, to use Hegel's most well-worn example, accepted guilt for parricide despite the fact that he did not know that the stranger he killed at the crossroads was his father. From the point of view of the *Philosophy of Right*, this marks an over-identification with the deed, a failure to recognize the importance of the subjective or inner element in determining accountability. In modern Romantic drama, on the other hand, we see what it would mean to reject the external requirement. Modern agents, Hegel says, are "more moral" insofar as they take the subjective aspect ("knowledge of the circumstances, conviction of the good, and the inner

⁶⁴ The following is drawn primarily from Hegel's lectures on the history of art (*HA*, 187–89; *A* 1:187–89). But also see *PR* §117 A.

intention”) as the chief moment of the action (*HA*, p. 188). But by rejecting guilt for any circumstances or consequences that were not explicitly anticipated, they under-identify with their deeds, creating a gulf between their inner actions and their outer deeds. This amounts to failure to recognize the objective and external element in determining guilt that is entailed by the abstract rights we have as persons. Both of these are one-sided (*einseitig*) because they emphasize only one of the two independently justified requirements of responsibility. The higher and genuinely speculative standpoint Hegel is aiming to achieve is one that manages to fully recognize the importance of the rights of the subjective will (unlike Greek heroes) without denying responsibility for our external deeds (as we moderns are tempted to do).⁶⁵ But there is no way to achieve such a standpoint, except by overcoming the contradiction that they give rise to.

Resolving the contradiction

The task remaining to us is to see how Hegel resolves the contradiction between the requirement that we be held responsible for any violations of right and the requirement that we only be held accountable for that part of what we did that reflects our subjective will. Hegel’s works offer us a plethora of examples of this contradiction: cases where the agent’s inner will appears opposed to her outer deed, where the content of the one would appear to have a different meaning or value than the content of the other. For the sake of economy, I will be focused primarily on cases where the difference between inner and outer would appear to excuse a responsible agent for the blame that would otherwise accrue to her for some particular deed she has done (as in the Robin Hood example above).⁶⁶ These cases show us how a characteristically modern emphasis on the right

⁶⁵ For more on Hegel’s contrast between Greek and modern notions of responsibility, see Houlgate (2007), Hahn (2007), chapter 7, and Pinkard (2010), pp. 139–44. Hahn’s account is particularly useful in that it shows how the same contradiction I have isolated here is treated in the *Phenomenology*. Hahn, however, takes Hegel’s solution to the problem to require a much stronger form of retrospectivism and social constructivism than I will attribute to Hegel here. She denies that there are any “hard facts” about what the agent did, insisting that temporally later judgments about the meaning of the act can modify its meaning (Hahn 2007, p. 192), and asserts that when there are moral disagreements, there is no “fact of the matter” about what was done (*ibid.*, p. 195). I will explain why I don’t think these claims can be attributed to Hegel in the last section of this chapter.

⁶⁶ Hegel is also concerned to criticize uses of the inner–outer distinction that minimize the praise or admiration due to great individuals, like Caesar or Napoleon, on the grounds that these individuals acted with the base subjective motivation (say, ambition, rather than love of country). These cases are structurally identical to the cases I do treat, raising no independent issues aside from those concerning the world-historical perspective, which I treat in the following chapter.

of subjectivity risks jeopardizing the right of the objectivity of the action. I will organize my discussion according to the three components of the right of the subjective will identified in the section above (beginning p. 137). That is, I will be looking at cases where the agent fully satisfies the external requirement, but rejects accountability on the grounds that she did not know what she was doing (right of knowledge), on the grounds that she did not intend to do it (right of intention), or on the grounds that she did not know it was wrong (right of insight). In each instance, my goal is twofold. First, I want to show how and why each of these rights comes into conflict with our external responsibility. Second, I want to show how Hegel reconceptualizes both the subjective will and the objective deed in order to remove the potential for this sort of conflict. In each case, then, he will show that what appear to be opposed aspects of action (the inner and the outer) in fact share the same content and thus require the same evaluation. As we will see, this reconceptualization of inner and outer involves recentring the subjective will in an objective social space, viewing it as fully expressed only in the external deed, properly understood.

We can start with the right of knowledge: the right to take responsibility only for what you knew you were doing. We have already seen that Hegel sometimes illustrates this right with the example of Oedipus. He says that although Oedipus killed his father, he cannot be accused of parricide since he did not knowingly kill his father.⁶⁷ Hegel gives a more everyday illustration of the proper employment of this right in his 1817–18 lectures on Natural Right:

Human beings, who do act, operate on the circumstances as they conceive them. If someone out hunting shoots someone, in the belief he is killing a wild animal, he is not responsible for this and will not let it be accounted to him.⁶⁸

In both of these cases (Oedipus and the hunter), the right of knowledge entails that the description under which an action can be imputed to an agent must match the agent's knowledge of the circumstances of the action. These are straightforward cases insofar as they largely fit our intuitions: we would clearly want to hold Oedipus and the hunter responsible for something short of parricide or murder, respectively. If these were the only cases in which the right of knowledge could be invoked, we would happily resolve the contradiction between inner and outer by simply siding with the inner, by restricting responsibility to only what we knew we were

⁶⁷ *PR* §117 A.

⁶⁸ *LNR* §55 R (translation modified); *PRW*, 78.

doing. But there are cases that would appear to be instances of lack of knowledge where we would not want to grant any reduction of guilt. Hegel uses the example of a reckless arsonist to illustrate this. In this example, we have a responsible agent who sets fire to a single piece of wood or a single house without realizing that, given the wind and the lack of rain, the whole neighborhood was likely to go up in flames. In this case, we would still hold him responsible for the full consequences of his action. So while we would want to say that the ill-fated hunter is responsible for something less than murder, we want to say that the arsonist is fully responsible even for consequences that he did not foresee. The question is how, or on what grounds, can we resolve the contradiction between the thought that only what we knowingly did can be put to our account, which is required by the moral point of view, and the thought that criminal activity sometimes exposes us to responsibility for unforeseen consequences, which is implied by the point of view of abstract right. How can we keep the right of knowledge for cases like Oedipus and the hunter but not extend it to the reckless arsonist?

Hegel needs to break the apparent symmetry between these cases, showing that the arsonist knows he is doing something wrong in a sense that the hunter does not. But Hegel admits there is no way to differentiate these cases on purely psychological grounds; whatever difference exists between them cannot be a matter of the particular aspects of the action that the agent was consciously or explicitly attending to. We have no reason to think that the arsonist was necessarily more aware of what might go wrong in his plan of action than the hunter was.

The relevant difference, Hegel thinks, can only be brought into focus by paying attention to the “logical nature of the individual and the universal” (*PR* §119 R) – it concerns the universal class under which the individual action falls. As we saw in the last section, a responsible agent is one that not only knows the particular thing he is doing (the purpose or *Vorsatz*), but is also familiar with the relevant categories under which any given particular falls. If you know only the particular, as a small child perhaps does, you are not a responsible agent at all. It follows that if a responsible agent is firing a bullet into a wood during hunting season, we can assume that he knows (even if he is not consciously thinking about it) that his act falls under the category of hunting. If he is setting fire to a porch, he knows (again, even without attending to it) that this constitutes an act of arson. The knowledge relevant to action imputation, then, is not limited to immediate consciousness of the particular act being done but extends to include familiarity with the “universal nature of the individual deed” (*PR* §118 A).

By doing something that falls under a given universal, an agent opens himself up to accountability for a specific range of consequences determined not by his actual foresight (which in any case may be quite minimal) but rather by the universal itself. This universal (hunting, arson) is described by Hegel as a law with the power of converting contingent consequences into necessary parts of the deed itself. If some consequence falls outside of the universal, it does not belong to the action, but is a mere “external intervention” or “contingent addition” (*PR* §118 R). But within the range of consequences licensed by the universal, Hegel thinks “no distinction should be made . . . between good and bad fortune”: I am responsible for what happens no matter how little I consciously anticipated it. Even if these consequences were unforeseen, they are not something added to what I knowingly willed, but are themselves an “existence of my own volition” insofar as I willed the universal which determines them (*PR* §119 A).

Once this dimension of agential knowledge is brought into the picture, we can see why the arsonist can be held accountable for the unforeseen consequences of his action and the hunter cannot. The difference stems from the universal that they willed. The hunter willed a universal that is rightful or permissible, whereas the arsonist willed an impermissible act. When one does something that is permissible, one is not held responsible for unforeseen consequences, whereas when one does something impermissible, one is understood to open oneself up to whatever negative consequences flow from it. It is the general asymmetry between the way we treat acts that fall under permissible universals and those that fall under impermissible ones that accounts for the different way we treat the hunter and the arsonist.⁶⁹ The hunter is off the hook for murder because acts of hunting, so long as you take certain precautions, are permissible according to abstract right. When one is doing something permissible, and this leads to an unforeseen wrong, this wrong does not get attached to the deed.

⁶⁹ Wood (2010) suggests that Hegel makes a further distinction between required actions (which are minimally exposed to either sort of outcome luck) and what he calls “ventures”: good or bad actions whose evaluation is more dependent on outcome (p. 134). This is a plausible distinction, but I do not think there is sufficient textual basis for attributing it to Hegel. In fact, as Patchen Markell has shown, Hegel’s treatment of Antigone in the *Phenomenology of Spirit* depicts a case where it is precisely required actions (burying your brother, enforcing the laws) that are radically exposed to outcome luck. Markell goes on to claim that the tragic picture of action described is intended to reveal a “persistent condition of human action,” not merely a diagnosis of “some underlying structural contradiction” in Greek ethical life (Markell 2003, p. 101). But even if one resists Markell’s development of this point, the Antigone account casts doubt on Wood’s distinction between required actions and ventures.

When something like this does happen, it counts as an accident even if it was foreseeable in some sense. The arsonist, on the other hand, is guilty of all of the damage caused by the fire no matter how extensive because in crimes, “[t]he stone belongs to the devil when it leaves the hand that threw it” (*PR* §119 A). In both cases, it is the universal under which your action falls that determines which consequences can be retroactively attached to the performance and which cannot.⁷⁰

Construed in this way, the right of knowledge does not limit your responsibility to what you were consciously aware of doing or to what you anticipated or even could have anticipated; it limits your responsibility according to universals that any responsible agent is presumed to know in the sense of being familiar with them. This removes any potential contradiction between the known action and outer deed since it implies that you cannot be externally responsible for a deed without also knowing the universal categories under which this purposeful doing is generally placed. If some particular doing truly falls under some universal, knowledge of this must be attributed to the agent or we must deny the agent was responsible at all, regarding her instead like a child or a dangerous animal. But this does not mean that any true description of what was done can be imputed to the agent as known and willed. A particular doing (setting light to a beam, firing a gun) can only be rightfully judged as a certain kind of deed (arson, hunting) if any responsible agent in that society would have been familiar with the fact that what she was doing fell under that specific universal. If there are universals with which no one in a society could be familiar, acts under that description cannot be imputed to agents in that society; these sorts of actions are impossible in that context.⁷¹ That the agent’s knowledge is to be interpreted in light of the deed, and the deed in light of what any responsible agent in a given society would have known, is what it means to assert the inner–outer identity thesis with respect to the right of knowledge.⁷²

⁷⁰ This distinction also helps us understand Hegel’s approach to negligence in general. On Hegel’s account, we assume responsible agents understand the difference between acceptably risky actions (say, firing a gun at a deer during hunting season in an acceptable area having made all the right precautions) and unacceptably risky actions (say, firing a gun at a deer at the wrong time, or in the wrong place, or without having adequate precautions). The “stone belongs to the devil” only when the individual knowingly did something that falls under the latter category.

⁷¹ Ian Hacking argues that this is also an implication of Anscombe’s theory of action: “The thesis that action is action only under a description has logical consequences for the future and past . . . There may be many kinds of action with which I am unacquainted, and of which I have no description. It seems to follow from the thesis that I cannot intend to perform those actions” (Hacking 1995, p. 235). For Hacking’s response to the criticisms that have since been made of his claims, see Hacking (2003).

⁷² See the helpful articulation of this point in Wood (2010), esp. pp. 128–29.

A different sort of contradiction between the inner action and outer deed arises when we turn to consider the right of intention. As we saw in the last section, Hegel's notion of intention involves two components: knowledge of what one is doing and knowledge of why one is doing it (that is, knowledge of one's motive). At this stage in the argument, Hegel has already shown that someone's knowledge of what she is doing cannot be opposed to her deed or its consequences but must be understood as coextensive with it. The distinction between inner and outer that we are now concerned with is thus not between what I thought I was doing and the whole deed but between the "subjective realm of motives" on the one hand, and the full extent of what I knew I was accomplishing on the other (*PR* §121). Since the right of intention implies a right to be judged according to one's motive, it seems to imply that when the value of the motive differs from the value of what was done, it is the inner intention that matters in the assessment of action, not the full extent of what you did. Indeed, Hegel says the "basic thesis" of the moral point of view is precisely that "everything depends not so much on what was done, but on the intention behind the deed."⁷³

Now it might seem that Hegel himself must accept some form of the primacy of the motive over the deed in order to justify his claim, which we saw in the last chapter, that morality represents a higher, more concrete standpoint than that of abstract right. The reader will recall that Hegel's chief illustration of the superiority of moral considerations over the claims of mere right is the so-called right of necessity, according to which it is permissible for an individual to steal or refuse to pay his debts if the consequence of compliance with these rightful obligations is an infinite injury to his existence or a loss of his livelihood. In these cases, it would appear that the moral motive (here: preserving my welfare or that of my family) can justify, at least under certain circumstances, an action that is wrong from the point of view of abstract right. This looks like a straightforward denial of the external requirement. But it is also clear that in most other circumstances Hegel would reject the thesis that a moral intention can justify an action that is wrong.⁷⁴ He mentions in this context St. Crispin, who, according to a legend only Hegel seems to have heard, stole leather to make shoes for the poor. Hegel's verdict on St. Crispin's

⁷³ *VPR* 3:374–75; quoted in Williams (1997), p. 181.

⁷⁴ *PR* §126. He also wants to reject the related "psychological view of history" which utilizes the supposedly base motives of great individuals, their concern with fame and power, to belittle their actual accomplishments (e.g., *PR* §124 R). Hegel rejects this not because the motives of great individuals do not matter, but because their true motives are manifest in their deeds.

supposed act of charity is quite unambiguous: "his action was both moral [*moralische*] and wrong [*unrechtliche*], hence invalid [*ungültig*]" (PR §126 A). This looks like a straightforward denial of the internal requirement.

These cases illustrate a contradiction between the thought that an agent should be judged according to her motive (the right of intention) and the claim that motive alone cannot make a wrong action right (the right of objectivity). If we hold strictly to the moral point of view, it would appear that we must accept that both actions of the starving thief and St. Crispin were good since both were motivated by a moral intention. But if we hold strictly to the point of view of abstract right, which judges actions based solely on whether they respect the persons and property of others, we must conclude that both actions are wrong (*unrechtlich*). Of course, when our intuitions seem to contradict each other on some matter, we need not view this as anything more than a *prima facie* conflict. Indeed, in this case, we might think the conflict could be resolved simply by distinguishing between those circumstances in which the right of subjectivity seems appropriate (cases of genuine necessity, perhaps) and those more ordinary circumstances in which the right of objectivity holds sway. But it is worth reiterating that for Hegel this is not just a conflict of intuitions but a contradiction between two of the necessary conditions for the existence of freedom. Any mere compromise would violate one or both of these necessary conditions to some extent. For Hegel, then, the solution cannot involve any balancing between the two, or an acknowledgment of some fundamental tension; it requires that the opposition between them be entirely removed. In other words, he thinks both the external and internal requirement need to be re-interpreted so that no conflict between them is even possible.

The contradiction between motive and deed is generated, Hegel thinks, by the thought that our motive can be satisfied by a single part of what one knowingly brought to pass, that in deciding what to do we effectively pick out some "particular aspect in the empirically concrete action, thus making it essential to the intention or restricting the intention to it" (PM §506). This would be to assume that the thief's true motive in stealing the loaf of bread is only to preserve his life; since he would not steal the bread if he did not have to, stealing should be considered a contingent aspect of what he did, not part of his intention. Similarly, St. Crispin's real intention is not to steal from the rich but rather to help the poor; the former is just the means to his true end. If your motive or intention gets its content from some supposedly essential aspect of the deed that reflection can pick out, and not from the whole deed as you knew it, then it is possible that the

value of the inner action may differ from the value of the outer deed. The problem, according to Hegel, is that this gives rise to the “greatest contradiction [*größten Widerspruch*] – e.g., a good intention in the case of a crime” (*PM* §506).

If you reject this premise, however, which is what Hegel does, you get a different picture of the relationship between the motive and the deed, one according to which the content and worth of the motive is identical with the content and worth of the entire deed, not limited to some particular aspect of it. As Hegel puts his counter-position:

What the subject *is*, *is the series of its actions*. If these are a series of worthless productions, then the subjectivity of volition is likewise worthless; and conversely, if the series of the individual’s deeds are of a substantial nature, then so also is his inner will.⁷⁵

Hegel’s claim is that there can be no opposition between the worth of the motive and the worth of the deed because there is no substantial difference between them. On Hegel’s analysis, the starving thief is motivated to preserve his welfare *by* stealing bread from the baker, and St. Crispin’s motive is not just to help the poor, but to help the poor *by* stealing from the rich. The question of the value of either motive is then nothing other than the question of the value of the entire deed: both the end *and* the means taken. From this point of view it is easy to see why these cases should be treated differently even from the point of view of the right of intention. Since the former case involves an acceptable trade-off between welfare and strict right and the latter does not, we can say that the starving thief had a good intention and that St. Crispin’s motive was only apparently good or partially good.⁷⁶

This sort of account presupposes that our true motive might not be fully present in our consciousness.⁷⁷ We might only be aware of certain aspects of our motivation (that we want to help the poor) and entirely unaware of how other aspects of our actual motivation (say, a contempt for legality) are being expressed by what we do. From this higher point of view, it can

⁷⁵ *PR* §124.

⁷⁶ When Hegel claims that “Morality” is the point of view of the appearance (*Erscheinung*) of the will, this is what he has in mind (*PR* §108, 112 R). The revision of each right of the subjective will is thus a move from what the will appears to be, to what it is in actuality (*Wirklichkeit*).

⁷⁷ Robert Pippin focuses on cases like these in Pippin (2008), pp. 163–65. It should be noted that although Hegel’s account implies something like what Freud called pre-conscious motives – motives you are not conscious of but could become conscious of just by attending to them – I don’t know of any passage where he speaks of truly unconscious motives: motives which are in some way repressed or unavailable to the agent. From a Hegelian point of view, the presence of truly unconscious motives in our actions would be grounds for diminished responsibility.

be seen that our right to be held accountable only for our deeds insofar as they satisfy our motive “therefore consists in finding satisfaction in one’s action, not in stopping short at the gulf between the self-consciousness of the human being and the objectivity of the deed” (*PR* §121 A). Once we accept that our real motive gets its content from the whole deed, not just the part of the deed that was most salient to us, the opposition between the subjective realm of motive and the objective realm of the deed disappears: the right of intention is not violated by holding St. Crispin responsible for his crimes nor is the right of objectivity violated by excusing the starving thief. Whatever they thought was their motive, they both actually intended to do the whole of what they did, and their motive can be judged according to the overall value of their deed.

As with the case of the right of knowledge, it should be noted that this solution leads not only to a reconceptualization of the inner will but also a reconceptualization of the outer deed. A proper description of the deed is no longer limited to the universal category under which it falls but must include the way a given act contributes to preserve or promote subjective ends like the pleasure or welfare of the individual. In this vein, Hegel says that “stealing a loaf certainly constitutes an infringement of someone’s property, but it would be wrong to regard such an action as a common theft” (*PR* §127 A). Fully bridging the gulf between inward disposition and the external result requires movement on both sides. It requires not only that you find your intention manifest in the deed, but also that the content of the deed be understood to include not only its universal description but also the subjective ends that it furthered: we must, as Hegel indicates in the above passage, distinguish between theft that satisfies no motive other than pleasure and theft that secures an individual’s life or welfare, qualifying the outer deed accordingly. Once we have made both of these adjustments, we remove “the presupposed antithesis between what is inward (the disposition of the person acting) and what is outward (the content of the action)” and we can say of all responsible agents what Hegel says of great men in history: they “willed what they did and they did what they willed” (*EL* §140 A). This is the second sense in which the identity of inner and outer holds in Hegel’s theory of responsibility: we must understand agents as not only knowing all that they do, but as being motivated by the entirety of the deed, not just a part of it.

The third and final right of the subjective will is the right of insight into good and evil. According to this right, an action can only be imputed to an agent as good or bad in accordance with that agent’s cognizance of the value the action has in objectivity. The potential opposition between inner

and outer this right gives rise to is between what the agent takes to be the value of what she did, and the deed's true value. Hegel is emphatic that a recognition of the right of insight (what he sometimes calls the "right of conscience") is one of the greatest achievements of the modern age. In his *Lectures on the Philosophy of History* he goes so far as to say that the institutionalization of this right constitutes the very aim of world history:

The substance of spirit is freedom. From this we can infer that its end in the historical process is the freedom of the subject to follow its own conscience and morality, and to pursue and implement its own universal ends; it also implies that the subject has infinite value and that it must become conscious of its supremacy. The end of the world spirit is realized in substance through the freedom of each individual.⁷⁸

Given passages like this one, it is clear that Hegel is committed to preserving the right of insight, acknowledging the subject's freedom to be held accountable only to those standards whose rational authority he can recognize. But Hegel is keenly aware that it is open to a certain kind of abuse if it is interpreted incorrectly. In the *Encyclopedia*, he warns that

[My] subjective freedom is an essential principle of my action, in the sense that in my doing what I do, I am with my insights and convictions. But if I argue abstractly from this principle alone, then my argument is likewise a piece of sophistry, and all the principles of ethical life are thrown overboard in arguments like that.⁷⁹

Hegel's concern, then, is with defenses of the right of insight that end up opposing the legitimate requirements of internal freedom to the necessary conditions of external freedom, because they construe the right of insight too "abstractly."

In the section "Conscience and the Good," Hegel provides a number of examples of how abstract interpretations of the right of insight end up jeopardizing objective responsibility. I will focus on three here. First, If one takes the right of insight to require a clear mental representation of the wrongness of an act when it is being committed, this would entail that when a wrongful action is done under conditions of "momentary blindness, the excitement of passion, intoxication," etc., the agent cannot be blamed for it (*PR* §132 R). Second, if one takes the right of insight to be satisfied by subjective conviction (whether clearly present to mind or not), an agent with an erring conscience cannot be guilty of otherwise wrongful actions. Third, and most dramatically, if the right of insight implies that a subject

⁷⁸ *LPWH*, 55; *VG*, 64. ⁷⁹ *EL* §81 A1.

can decide whether he is to consider something right or wrong, then nothing at all can be held objectively right or wrong, since this judgment depends entirely on a subjective determination. In all of these cases, we have what Hegel describes as a “conflict of determinations” in which the right of insight “suggests that an action is good,” whereas other perspectives “suggest that it is criminal” (PR §140 R). Again, insofar as these cases are correctly described as involving a contradiction between the rights of the subjective will and the rights of the objectivity of the action, it would appear that we must choose between prioritizing the one over the other or else attempt to formulate some kind of compromise that violates both the internal and external requirements to some degree, or in some delimited range of cases. We have already seen with respect to the other two rights of the subjective will that Hegel thinks neither of these strategies will work, since both our responsibility for our outer deeds and the internal requirements on accountability are necessary for the existence of our freedom. We need a solution that preserves both requirements fully intact. Insofar as this is true, the only way forward, here as before, is to reject whatever premise it is that generates the opposition between the inner and outer, thus denying that the above cases are correctly described as representing a conflict between one’s subjective insight into what one is doing and its objective moral value.

In these three cases, Hegel thinks the objectionable premise is a formal understanding of insight into the good. On such an understanding, something counts as my conviction or belief simply by being regarded by me as my conviction or belief. It follows from this interpretation of insight, that my convictions can be identified independently of whether the content of those beliefs is materially justified. Even if the bar for this is set high – if we stipulate, for example, that an agent’s true convictions are only those that are generated by sincere reflection – it will be a contingent matter whether, in any given case, the resulting convictions are substantively true or are mere opinion and error. This is what generates the possibility of the right of insight falling into contradiction with the right of the objectivity of the action. Hegel hopes to avoid this contradiction by removing this “formal aspect (*formelle Seite*)” from the right of insight (PR §§132 R and 137). We might wonder, though, whether there is any meaningful way to reject a formal rendering of the right of insight without simply reverting to the equally one-sided claim that an individual is responsible for wrong actions regardless of whether she has any real insight into their wrongness, simply because they were materially wrong. If that’s what Hegel is doing, he is simply reverting to the position of the Greek hero and denying that responsibility requires actual insight.

The first case, that of the person temporarily blind to the wrongness of what he is doing because he is drunk or in a fit of anger, presents the least difficulties and so gives us the clearest view of how Hegel attempts to deformalize the right of insight without abrogating it. Hegel himself remarks that this particular case can be dealt with in a manner that strictly parallels his treatment of the right of knowledge. Just as the arsonist, insofar as he is a responsible agent, must be assumed to know not only what particular act he is doing but also the universal under which it falls, a drunk driver, even if his judgment at some given moment is clouded, must know that driving home intoxicated is both wrong and illegal. The relevant sort of insight is not a subjective psychological state, it does not require any conscious representation to oneself of the wrongness of the act, but is “cognizance in the sense of familiarity with what is legal and to that extent obligatory” (*PR* §132 R). What is crucial for assigning blame, then, is not what the agent realizes in the moment but his general background knowledge of what actions are recognized as right and wrong. We hold the drunk responsible not because he merely should have had insight into the wrongness of driving home, but because we can assume he actually was familiar with the illegality and wrongness of his act.

The assumption that any given agent is familiar with the objective value of what he is doing is, of course, defeasible. Hegel identifies several cases where the assumption cannot be made. We cannot make it when someone lacks the capacity to have such insight for psychological reasons (the case of children, the insane, etc.). We cannot make it when the relevant laws were never made public or are too technical to be mastered. And, perhaps most interestingly, we cannot make it in historical contexts when such insight was not a part of the collective ethical consciousness. Although it is certainly true that owning slaves is absolutely contrary to right, for example, Hegel insists that Greek or Roman slaveholders cannot be blamed for owning slaves, since wrongness was not yet commonly recognized.⁸⁰ In normal circumstances, though, we can assume that any responsible adult is familiar with the shared norms according to which his actions

⁸⁰ Insofar as the grounds for Hegel’s ethical historicism are epistemic, Hegel’s position is closer to what Miranda Fricker has called the “relativism of blame” than it is to Bernard Williams’s better-known “relativism of distance” (see Fricker 2010). But Hegel’s case for ethical historicism is not just epistemic: he thinks rational norms only acquire validity when they are historically actualized. Greek masters are off the hook not merely because they did not know slavery violated the rights of the enslaved, but because, in a sense, it was not yet “actually” wrong; at that point in time, it was only wrong “in itself.”

will be evaluated, for it is precisely that underlying knowledge that constitutes him as a responsible agent in the first place.

The other two cases mentioned above, that of the erring conscience and that of the radical subjectivist, might seem harder to account for than cases of temporary ignorance. It would be implausible to claim that an agent who sincerely believes some act is the right thing to do is familiar with the fact that it is wrong. Unlike some of his predecessors, Hegel clearly thinks cases like this are possible: even fully conscientious deliberation, he thinks, can fail to issue in the right judgment.⁸¹ In these instances, the right of insight appears to generate the starkest possible contradiction between the inner action and the outer deed. It appears to indicate that the will's own subjective certainty that its action is good is all that matters; the wrong of an action cannot be attributed to the agent if she did not think what she was doing was wrong.⁸²

Hegel's strategy for averting such a contradiction turns on the distinction between "formal conscience" and "true conscience." Hegel distinguishes these two conceptions by saying that the formal conscience is constituted by subjective certainty and the true conscience by its objective content. At first glance, it looks like Hegel is headed towards a plain reversion to the heroic model of responsibility; if the right of conscience applies only when our subjective deliberations happen to be objectively right, then our actual insight into the good is wholly immaterial to the determination of our guilt. But surely this would constitute a rejection of the right of conscience rather than a vindication of it. As in the above cases, what Hegel needs is a solution that reconciles our respect for the right of conscience with the need for objective determinations of guilt, one that shows that the rights of the subjective will are not truly opposed to or separable from the right of the objectivity of the action.

A common way to reconcile these intuitions is to suggest that a person is responsible for having done something wrong not only when she knew it was wrong, but also when she should have known it was wrong.⁸³ This strategy is appealing since it explains why we often blame people for doing

⁸¹ On the question of the fallibility of conscience in the post-Kantian tradition, see Wood (1990), chapter 10. But also see the interesting discussion of this in Moyer (2011), pp. 136–37. Moyer claims that Hegel rejects the idea of a conscience that is generally and systematically in error although he admits that someone's judgment could be wrong about certain particular cases.

⁸² More recently, this position has been defended by Gideon Rosen in Rosen (2003).

⁸³ See, e.g., the "Partial Epistemic Condition" in Sher (2009), p. 88. The same basic solution is often attributed to Hegel as well (see, e.g., Wood 1990, p. 142; Houlgate 2005, p. 294; and Moyer 2011, p. 130). Michael Quante points out that Hegel himself uses these formulations in his notes to *PR* §§132 and 137 (see Quante 2010, p. 231, n. 21), though without much explication as to the role they play in his account.

things that they did not, at the time, believe were wrong; and it does so without making the epistemic condition on responsibility entirely vacuous. But although there is something right about this, the thought must be handled with care. Hegel says that Greek heroes “impute to themselves that they should know [*wissen sollte*] everything, and experience the anguish as of one who has acted [*gehandelt*]” (LNR §55 R). But in these passages, taking responsibility for what you merely should have known is clearly regarded by Hegel as a mistake: it is a failure to honor the right of insight. If we are going to say that someone *should* have known better, then, we will need to back it up by showing that in some sense they *did* know better.⁸⁴

So Hegel needs to identify a sense in which we might be said to have insight into the wrongness of what we do even in cases where we did not think what we were doing was wrong. The best way to see how Hegel does this is to jump ahead briefly to the vantage point of Ethical Life. Say a father neglects his son’s birthday in order to fulfill an objectively less important work obligation, subjectively convinced that he is doing the right thing. In this case, he has done what he thought was the right thing to do (he is in accord with his conscience) and yet he has violated objective duties that pertain to his social position. If the right of insight only requires that we act in light of our subjective convictions, whatever their content, then we must choose between two equally unacceptable options in evaluating this case. We can prioritize inner over outer, and conclude that this father is not accountable at all for this failure. Or we can prioritize the outer over the inner and conclude that he is responsible for failing to do what he ought to have done even though he had no insight into the wrongness of his chosen course of action.

Hegel’s solution, here as before, involves denying the premise that seems to force this choice upon us. In this case, the premise is that our insight into the good can be identified with our subjective convictions at the moment of the action. Insofar as this father is not just an abstract moral subject but is also an ethical being, Hegel thinks he can be said to know that he is responsible for all of the duties that are involved in being a good father in his society. All of this is a part of what it means to be a responsible agent in that society. This does not mean simply asserting, in apparent denial of the facts of the above example, that this father was mistaken about his duties in this case, for knowing that one is responsible for being a good father is fully compatible with being wrong about whether some

⁸⁴ The same point is made in the *Phenomenology of Spirit*; see especially PS 424; TWA 3:313–14.

particular action is consistent with these duties or not. And so in cases where a responsible agent is wrong about some particular action, we can say not only that he should have known better, but that in some sense he did know better, for he knew he was subject to certain determinate social norms which dictate prioritizing family over work in certain circumstances, even if he made a mistake as to how to apply those norms in this given case. It is in this sense that any responsible agent can be assumed to know and will all the duties and rights that pertain to his social station, even in cases where he was mistaken about these.

Hegel's account of ethical life suggests our knowledge of the obligations that attend our social station is the normal result of a complex process of education and socialization. It does not preclude subjective reflection on the justifiability of these social norms, but it certainly does not require it; one's awareness of one's duties as a father, or worker, or citizen, is not the result of subjective reflection but is in fact the presupposition and basis of such reflection. Partly because of its pre-reflective nature, this sort of ethical knowledge is fully compatible both with subjective failures of reflection (the erring conscience) and with the more profound delusions of the ironic consciousness that thinks it can choose what counts as good and evil (radical immoralism). In the Preface to the *Philosophy of Right*, Hegel insists that we all know what is right and wrong; those who pretend to find difficulties here are more concerned with the "vanity and *particularity* of their opinions" than they are with simple right conduct (*PR*, Preface, p. 12). Insofar as this underlying ethical knowledge can be presupposed of all responsible agents, Hegel thinks determining guilt in ordinary circumstances is quite unproblematic: if a responsible agent has violated the laws or customs of her state she can be held accountable for this violation with no further ado, and this is so even if she denies what she did was wrong, or denies the very objectivity of right and wrong itself.

The true conscience, then, is not the subjective conscience that happens to be right, nor is it the ideal conscience which pretends to know everything it ought to, rather, it is the situated or "concrete" conscience which implicitly acknowledges the legal, moral, and political duties that attend its actual social position.⁸⁵ My true conscience is distinguishable from what I take to be right precisely insofar as it acknowledges objective duties that outstrip what I'm subjectively aware of. The true conscience knows and wills certain objective standards by which my subjective take on what is right or wrong can be judged true or false. A genuinely conscientious

⁸⁵ *PR* §137. Also see *PRW* §66.

father, in other words, wills to *be* a good father, to correspond with the objective standards this entails, not merely to *seem to himself* to be a good father. To act in accord with his true conscience, then, it is not enough that he be internally convinced of his blamelessness, his actions must also satisfy the shared standards for being a good father in his place and time, standards he can be presumed to know and acknowledge. This understanding of ethical knowledge eliminates any room for the opposition between what I take to be right and the universal value of the deed. There is no opposition because true conscience is nothing other than the will to accord with the shared standards of ethical life, and these are the very same standards by which your deed is to be publicly assessed.⁸⁶

As we saw with the other two rights of the subjective will, the resolution of the contradiction between the right of insight and the right of the objectivity of the deed leads to a dialectical reformulation of both the subjective and the objective component of action. The agent's insight into the rightness of his action is redefined, as we saw, to include not merely his subjective beliefs about the rightness or wrongness of some given action, but also his implicit acknowledgment of those intersubjectively shared ethical standards under which his actions and beliefs are to be judged. This requires a corresponding transformation of the outer deed. For the purposes of evaluation, a complete description of the deed cannot be exhausted by the identification of the universal it falls under coupled with the agent's subjective motive, but must also reflect the deed's ethicality: its conformity to standards any responsible agent in a given society could be assumed to have insight into.⁸⁷ With these modifications, any residual distinction between the content of our outer deeds and the content of our inner will is eliminated; what remains of this distinction are only two different perspectives on one and the same ethical content. This is the third and most complete sense in which the inner and outer prove themselves to be identical in the speculative sense.

The ambiguities of the inner–outer thesis

According to the account I have just given, the inner–outer problem is generated not by the problem of reconciling freedom and determinism but

⁸⁶ *PR* §137 A. There is, of course, a question as to what to do when those shared standards are defective or unjust. I will return to that issue in the following chapter.

⁸⁷ In his later treatment of the court of law, he underlines this by saying that the “essential factor in categorizing an action is the subjective moment of the agent's insight and intention” (*PR* §227).

by the problem of reconciling two necessary, but seemingly incompatible, requirements of freedom. At issue is the contradiction between the requirements that abstract right and morality place on human action, between the necessity that we be held responsible for any violation of the external freedom of others, and our subjective right to be held accountable only for what we knowingly willed. Hegel's ultimate claim is that the contradiction between these requirements cannot be resolved unless we posit the identity of inner and outer. To say that the inner and outer are identical in action is to say that although they are formally different, they have the same content; the meaning of our internal intentions and dispositions cannot differ from the meaning of our external deeds. This identity holds for all three rights of the subjective will. Regarding the right of knowledge, Hegel shows that although our immediate knowledge of what we are doing inevitably falls short of anticipating all of the consequences we can be held responsible for, our knowledge of the universal nature of the act does not fall short of the deed and its consequences at all. Regarding the right of satisfaction, he shows that though it might appear to us that only a certain part of what we do satisfies our motive, our true motive or intention is manifest in the whole of the deed: not just the end we had in mind, but everything we did in order to accomplish that end. Regarding the right of insight, he shows that our knowledge of the rightness and wrongness of what we do cannot be identified with our judgments regarding some particular deed, but must be understood as insight into those objective principles by which the rightness and wrongness of these particular judgments can be assessed. In all of these cases, what Hegel shows is that the content of the subjective will is not fully captured by any immediate self-certainty (by what I think I know, intend, or believe in the moment). It cannot be contrasted or opposed to our deeds, because it is only fully expressed in our deeds.

It is important to remember, however, that this identity of inner and outer also runs in the opposite direction. Just as there is no part of the subjective will that is not expressed in the deed, the scope and significance we give the deed cannot be allowed to outstrip the agent's knowledge. What we hold people responsible for is exactly what a responsible agent in a given society would have known and willed by doing such a thing – no more and no less. Insofar as a given norm or law is not universally known, if it is not something any responsible agent would be familiar with, the agent cannot be held responsible for violating it.⁸⁸ Violations of such

⁸⁸ *PR* §§210 and 215.

norms cannot be imputed to their authors. It is this claim that is at the basis of Hegel's ethical historicism. It explains why Hegel thinks it would be anachronistic to hold ancient slaveholders or feudal lords to be guilty for acting to perpetuate these intrinsically unjust institutions. He thinks the practice of holding slaves or serfs, in the historical circumstances in which these institutions originally emerged, could very well have been pursued without any insight into its ultimate injustice.⁸⁹ Insofar as this is the case, the wrong of holding slaves cannot be imputed to the slaveholder, it is not part of his deed. It is only when a general awareness of wrongness of these institutions arises, that it becomes possible to hold those who participate in them to be responsible for their wrongs.

It would perhaps be useful at this point to conclude this discussion by briefly contrasting the interpretation of the inner–outer thesis I have just defended with the more radical interpretation provided by Robert Pippin.⁹⁰ No one has emphasized the way Hegel's philosophy of action undermines the ordinary first-personal authority we attribute to agents more than Pippin; and no one has drawn more attention to the importance of sociality in remedying this deficiency. My interpretation clearly stands downstream from his in this respect, but Pippin's interpretation takes the social dependency point well beyond what I have argued is necessary to resolve the contradiction between outer and inner. We can see this in the following passage, where he claims action depends on sociality in two different ways:

The proper act-description partly depends on the established context of deliberation and action (what having this or that practical reason for doing this or that could mean in such a context) and partly on what intention and what act-description are attributed to you by others.⁹¹

Everything we have just looked at points to the importance of the first of these two factors. Hegel's argument, on the interpretation I have just

⁸⁹ *LA* 1:212; *A* 1:210. Also see *NL*, 127–28.

⁹⁰ Pippin (2008). In order to make this comparison work, I am abstracting away from two issues that complicate it. First, Pippin is primarily concerned with offering an interpretation of action in the *Phenomenology of Spirit*. He may still be right about the position Hegel defends in that text, even if he is wrong that the same position is articulated in the *Philosophy of Right*. Second, it might be thought that Pippin is concerned with a different concept of agency, that he would not accept evidence that an agent is fully responsible for something as evidence that he is an agent in the full and complete sense. The argument of the preceding chapters, though, is that Hegel's own notion of agency is identical with responsible agency.

⁹¹ Pippin (2008), p. 153. Sometimes Pippin puts this point more modestly, suggesting only that it must be possible for others to attribute to you what you thought you were doing. I have no objection to that formulation, but it is trivially true unless more is said about what we mean by possible.

offered, is that the knowledge, intention, and insight expressed by the deed are not a matter of any inaccessible psychological state but are a matter of what doing such a thing could mean in a certain society at a certain time. The difference between my interpretation and Pippin's concerns the importance of the second factor, the question of "what intention and what act-description are attributed to you by others." Pippin claims not only that the meaning of my action depends on its social context, but that the meaning of what I have done is "subject to contestation within some concrete social community, the participants of which must determine what sort of deed *that would be* in our practices, how the rules apply."⁹² By saying that the meaning of my deed hinges on the outcome of a certain social process, he is indicating that the actual reactions of others, even reactions much later in history, can affect the meaning of my deed. I have only successfully acted, according to this account, if other individuals can and do attribute the same act-description to me that I attribute to myself.⁹³

I hope I have already shown that nothing in the inner–outer dialectic so far has forced us to adopt this more extreme form of social constructivism. But it can also be pointed out that Hegel himself appears to deny this extension of his claims in his 1827–28 lectures on the philosophy of spirit:

In life the human being has to see to it that he enjoys himself, that he brings forth a true end and takes pleasure in what he has done. How others take this is an external contingency. This [self-satisfaction] is a higher satisfaction than satisfying others, where one takes it one way and another takes it another way. One must have the insight oneself, that one does the right thing.⁹⁴

In this passage, Hegel seems to reject the idea that the actual social uptake of the deed matters for the determination of its content. He claims that what matters is whether the individual can be satisfied that he did the right thing, not what others make of it. Although it is surely true that the reactions of others, even those in the distant future, might reveal something that was in our deed without our being aware of it, this valid point need not be extended to imply that there is some *essential* role that the responses of others play in the determination of the meaning of what we do. At the very least, it can be said that this is a form of the sociality of action thesis that Hegel himself appears to reject.

⁹² Pippin (2008), p. 159.

⁹³ A similar picture is provided by Brandom's common-law model of concept determination (Brandom 1999).

⁹⁴ *LPS*, 258; *VPG*, 254.

This is related to a second difference between the account I have given and Pippin's. It follows from Pippin's claim that you have not successfully acted on a given intention unless others actually attribute that intention to you, that the determinate meaning of your action requires the achievement of a certain kind of agreement or consensus. In any situation where the agent finds herself alienated from the judgments of others in her social context, the meaning or intention behind her deed is ontologically or metaphysically indeterminate – there is no saying what the agent did.⁹⁵ But Pippin also insists that a *mere* consensus about the deed is not enough; masters and slaves might agree on the wrongness of a given slave's disobedience, but this would be a merely ideological consensus, one bound to reveal its justificatory inadequacy over the course of time by breaking down, losing its hold on its adherents, and so on. Pippin puts this all together by saying that

[The] conditions of successful agency cannot be satisfied unless individuals are understood as participants in an ethical form of life, *Sittlichkeit*, and finally in a certain form of ethical life, in which such relations of recognition can be genuinely mutual, where that means that the recognizers themselves are actually free, where the intersubjective recognitional relation is sustained in a reciprocal way.⁹⁶

To put the two claims Pippin is making here into the terms we have been using, the inner (what we think we did) is only truly identical with the outer (what others hold us responsible for), (i) when individuals are understood as members of some form of ethical life, and (ii) when that ethical life has taken on a specifically modern form, one characterized by full mutual recognition.⁹⁷

But, again, the argument we have reconstructed seems to support the first of these claims, but not the second, more radical one. It implies that an individual's responsibility for what she does depends on the knowledge and insight that is generally or universally available to the members of her society, but it does not imply that an individual is less capable of responsible agency when her society is committed to unjust or irrational practices. The Greek slaveholder is not guilty for holding slaves, but that is because he is fully responsible for what he does according to the norms of his own society. In fact, in the *Philosophy of History*, Hegel says “[t]his inner center,

⁹⁵ Pippin (2008), p. 173. Susan Songsuk Hahn makes a similar claim in Hahn (2007), pp. 194–95.

⁹⁶ Pippin (2008), pp. 220–21.

⁹⁷ As we have already seen, Pippin accepts the implication of this that full agency is only possible in modern conditions. See Chapter 2, p. 76.

the simple source of the rights of subjective freedom, the seat of volition, resolution, and activity [*der Herd des Wollens, Entschliessen, und Tuns*],” that in which “the responsibility and worth [*Schuld und Wert*] of the individual and his eternal court of judgment are contained” are all untouched (*unangestastet*) by the right of the world spirit to abandon less rational forms of social organization in the direction of more rational forms.⁹⁸ This suggests that judgments about the ethical content of our actions, judgments about our responsibility for what we do, are relative to our historical context and are entirely unaffected by the relative irrationality of our political and social institutions. If that is so, then a fully reciprocal form of intersubjective recognition is not one of the conditions of successful agency; responsible agency can be completely present in non-ideal circumstances.

Hegel’s claim that an individual’s responsibility for what she does can only be determined from the standpoint of ethical life should thus be understood to refer us to her ethical life, not some idealized or fully rational form of ethical life. Insofar as we are attempting to determine what reasons someone had to do something, he says these reasons should be derived not from the concept of right itself, but from the “forms of right which are valid within that state” (*PR* §258 R). It cannot be denied, though, that this solution to the inner–outer problem has seemed to generate as many difficulties as it resolves. For even if we grant that Hegel is right that determinations of responsibility must be relative to the level of insight that had become general or universal in their place and time, we might wonder what to say about an individual who has come to recognize that the institutions of her own society are irrational and unjust. In responding to this problem, those who would defend the viability of Hegel’s theory seem to be left with two very unappealing options. We can stress Hegel’s ethical conventionalism, insisting that individuals can be blamed even for the violation of conventional norms and laws that they know to be utterly irrational. Or we could stress his ethical rationalism, and view the irrationality of society as something that invalidates our ethical obligations, allowing individuals to pursue whatever transformative program they are interested in, fully liberated from any existing legal, moral, or ethical constraints. Although both of these options have their defenders, they also have obvious drawbacks; the one seems much too conformist, and the other seems much too radical. In the [next chapter](#), I hope to show how Hegel addresses this problem.

⁹⁸ *LPWH*, 92; *VG*, 109.

Transcending responsibility

If Hegel's most controversial contribution to practical philosophy is his sublation of right and morality in ethical life, his next move, the attempt to situate ethical life within a progressive philosophy of history, ranks a close second. In the [previous chapter](#), we spent some time on the first issue: we saw that Hegel argues that the spheres of abstract right and morality give rise to contradictions that can only be resolved if they are reconceived as two moments of ethical life. On the interpretation of this that I defended, this means that our responsibility for our deeds and our accountability for what we knowingly and willingly did are only fully determinate, and mutually compatible, when they are assessed from the point of view of some historically actual state. But this is not the end of the story for Hegel; ethical life is not the ultimate or final standpoint from which actions can be assessed. The only normative standpoint that Hegel holds to be absolute, to be unrestricted (*uneingeschränkt*) by anything above it, is the standpoint provided by world history.

A natural question that arises, given such a picture, is whether world history stands in the same relation to ethical life that ethical life itself stands to abstract right and morality. In [Chapter 3](#), we saw that moral considerations are limited by and must be subordinated to ethical considerations. Do world-historical considerations override ethical considerations in the same way? That Hegel's practical philosophy seems to offer the possibility of transcending customary ethicality and merely positive law has been seen as something of great promise in that it opens the door to revolutionary praxis, but also as something of great danger in that it has the potential to exempt some individuals from their ordinary ethical obligations.

To see why this particular possibility emerges in Hegel's thought, it helps to note that his philosophy of history integrates two strands of thought about history that pre-existed his work but were normally taken to be opposed to each other. First, he is clearly committed to some kind of ethical contextualism. He thinks the basic question of ethics – “What

ought I to do?" – cannot be answered in universal, perennial terms; the right answer to this question depends in crucial ways on when and where it is posed. As he memorably puts it:

For the everyday contingencies of private life, definitions of what is good and bad or right and wrong are supplied by the laws and customs of each state, and there is no great difficulty in recognizing them.¹

This commitment to situating ethical claims within the socio-historical context of each particular state is not unique to Hegel; it was shared to some degree or another by romantics (like Herder), conservatives (like Burke), and historicists (like Savigny).

Hegel is also committed to a second important thesis about the relation of ethics to history, one that significantly qualifies his commitment to ethical contextualism. He claims that modern norms, practices, and forms of social organization are more rational than pre-modern ones in that they are more adequate realizations of human freedom. This can be seen both in his *Philosophy of Right*, which is intended to provide a philosophic justification for specifically modern institutions like the nuclear family and civil society, and in his *Philosophy of History*, which shows how less rational pre-modern forms of social life have been replaced by the more rational forms characteristic of contemporary European civilization. The idea that the philosophy of history provides access to a universal horizon by which the rational progress of any individual society can be judged was also not unique to Hegel; versions of this belief were shared by enlightenment figures (like Condorcet), liberals (like Kant), and even radicals (like Proudhon).

Hegel's problems all come from trying to put these two commitments together, viewing ethical life as both historically situated and yet rationally assessable from the point of world history. This generates a novel predicament: the possibility that you might find yourself ethically bound to norms or practices of a society per ethical contextualism that you know to be ultimately irrational and unjust. Many have interpreted Hegel's doctrine of "world-historical agent" in light of this predicament: such an agent is characterized by his willingness to violate the ethical obligations he is under in order to make a more rational society. The actions of world-historical individuals may be immoral or unethical, on this common interpretation, but they have a putatively higher, supramoral

¹ LPWH, 80; VG, 94.

justification: one stemming from what Hegel calls the “absolute right” of world spirit.² This justification would seem to excuse them from any responsibility for the harm they might do.

For Hegel’s critics, this is a clear sign that something has gone terribly wrong. They worry that any appeal to the extra-ethical considerations to justify individual action is a category mistake as it improperly displaces the relevant ethical considerations with irrelevant matters. Kierkegaard, who was perhaps the pioneer of this line of attack, insisted in his *Concluding Unscientific Postscript* that world-historical knowledge was a “de-moralizing aesthetic diversion” because the task of the individual is only to will the ethical; whether the individual achieves anything with respect to world spirit or whether he is in step with “what the times demand” are unrelated accidents and do not affect his responsibility.³ Kierkegaard concluded that any inference from the external questions of world spirit to internal questions of ethical responsibility involves a “μετάβασις εἰς ἄλλο γένος”: an illicit change from one genus to another.⁴ In his early neo-Marxist writings, the Polish philosopher Leszek Kolakowski makes a similar case for the independence of political responsibility from Hegelian questions of world spirit, insisting that individuals are not relieved of their ordinary moral obligations just because they are on the right side of history. He says: “We are against that form of moral relativism which assumes that the criteria for a moral assessment of human behavior can be derived from knowledge of the secrets of the *Weltgeist*.”⁵ A last and more contemporary example of this kind of critique can be found in the writing of French philosopher Vincent Descombes. For Descombes, Hegel’s philosophy of history involves an unprecedented attempt to combine the incompatible roles of metaphysician and café intellectual. The result of this attempt is disastrous: it grants philosophers permission to address themselves to political topics without acknowledging the ordinary moral constraints on political action. Instead of weighing the consequences of various policies, Descombes says, “philosophers pretend to judge events as if they were seated in an auditorium rather than on stage with everyone else.”⁶ What these accusations share is a belief that the world-historical perspective on human action opened up by Hegel’s philosophy of history threatens to illegitimately compromise or override the authority of ordinary ethical judgment in determining what we ought

² *PR* §30 R.

³ Kierkegaard (1992), p. 134.

⁴ *Ibid.*, p. 136.

⁵ Kolakowski (1968), p. 113.

⁶ Descombes (1993), p. 40.

to do and what we can be held responsible for, whether in our individual lives or in the political sphere.

It is not just Hegel's critics who have attributed this view of the relationship between moral justifications and world-historical justifications to Hegel. Allen Wood has provided the most extensive and well-defended treatment of the relationship between ethics and history in Hegel, and he fully endorses the central claim Hegel's critics have taken issue with: that the absolute right of world spirit trumps ethical considerations for Hegel, providing a potential rational justification for otherwise immoral action. Far from thinking this a category mistake, Wood thinks it represents one of Hegel's great insights: the thought that "moral justifications should not bind us when they stand in the way of human liberation."⁷

In the following, I will develop an alternative reading of the relationship between the situated perspective of ethical life and the unrestricted perspective of world history in Hegel's practical philosophy. I will begin by laying out Wood's case for understanding the absolute right of world spirit as overriding ethical obligations. In the second section, I will argue, against such a reading, that "absolute rights" can be invoked for Hegel only when there are no countervailing ethical obligations; they are rights to enter into an ethical condition, not to exit it. In the third and fourth sections, I will turn to two crucial instances where it might appear that Hegel allows historical considerations to override ethical ones, the case of the world-historical individual and the case of a dissolving form of ethical life, and I will show that they in fact do not involve any transcendence of the situated ethical point of view. Finally, in the fifth section, I will provide a positive account of the relationship between the situated standpoint of the citizen and the more universal standpoint taken by the philosophy of history. On the view I defend, Hegel's practical philosophy maintains a principled division of labor between these two standpoints. The ethical justification of norms is determined by practical wisdom acting from within the context of a given institutional structure. For this reason, determinations of responsibility bottom out in ethical life. Determining the ultimate rationality of the norms we act according to, however, is a distinct matter, one that is the exclusive prerogative of philosophy. It is categorically distinct in that it has no direct bearing on the question of what we ought to do or what we can be held responsible for as individuals. I conclude with some reflections about what it means to hold these forms of justification to be separate.

⁷ Wood (1990), p. 236.

Hegel's supposed amorality

We can start with an example of the phenomenon that needs to be explained: a case where the situated perspective seems to be contradicted by the more philosophic or world-historical point of view. The *Philosophy of Right* claims that

[A] determination of right may be shown to be entirely *grounded in* and *consistent with* the prevailing *circumstances* and *existing* legal institutions, yet it may be contrary to right (*unrechtlich*) and irrational [*unvernünftig*] in and for itself, like numerous determinations of Roman civil law which followed quite consistently from such institutions as Roman paternal authority and Roman matrimony.⁸

Here we have a case where what is taken to be right in a given historical context (the Roman world) is contrary to what the philosopher recognizes as right and rational. Hegel insists, however, that despite the irrationality of Roman laws and customs, they were valid and authoritative for the Romans; they existed in a world in which “a wrong was still right.”⁹ One might assume that this is because the Romans did not know better, but Hegel also makes it clear that the authority of Roman laws did not depend on ignorance of their irrationality: he explicitly praises those Roman jurists and praetors who finessed the disparity between the letter of the Twelve Tables and the demands of justice, applauding them for “smuggling rationality” into their decisions.¹⁰ So at least with respect to these specific Roman property laws, Hegel insists that they were irrational, valid, or binding, and known (by some) to be both.

What follows from Hegel's admission of cases like these, cases where an individual is ethically bound to a law or custom he knows to be irrational and unjust? Allen Wood has suggested there are two options, both more or less scandalous. The first is that Hegel subscribes to a harsh form of ethical conventionalism: he thinks we are morally required to honor the claims made by the existing order no matter how evil or irrational we might know them to be. This amounts to a familiar enough caricature of Hegel, and (as we will see in the section on p. 189 below) Wood is right to resist it. Wood thinks, though, that Hegel draws an even more unsettling conclusion than

⁸ PR §3 R.

⁹ PR §57 A. “Die Sklaverei fällt in den Übergang von der Natürlichkeit der Menschen zum wahrhaft sittlichen Zustande; sie fällt in eine Welt, wo noch ein Unrecht Recht ist. Hier gilt das Unrecht und befindet sich ebenso notwendig an seinem Platz” (TWA 7:126).

¹⁰ PR §180 R.

conventionalism; he concludes that “there is a limit to the whole realm of the ethical and its rational authority over us.”¹¹ That is, although a given norm might be ethically valid or binding, there are certain extra-moral considerations that could rationally justify violating it. Though Hegel is not a conventionalist according to Wood, his philosophy of history commits him to positing a radical kind of amorality.

As Wood himself notes, this position has the air of a paradox: What could it mean to say that an individual is rationally justified in violating his ethical duty if not that he did not really have that duty? How can we have a right to do wrong? Considerations like these, of course, are what raise the concern that Hegel has committed some kind of category mistake here. Wood attempts to escape the appearance of self-contradiction by noting the two different senses in which action can be right in Hegel: it can be justified according to the “right of state” or according to the “right of world spirit.”

Wood is clearly right to mark this distinction. On the one hand, Hegel clearly thinks our moral and legal duties are determined by the place we have within the affairs of the state as a whole. Our supreme ethical obligation, the one that trumps all of the others, is our obligation to participate in and give support to our actual ethical life itself.¹² As Hegel puts it in his *Philosophy of History*: “nothing must be considered higher [*Höheres*] and more sacred [*Heiligeres*] than a good disposition [*Gesinnung*] towards the state; or, if religion be considered higher and more sacred, it must contain nothing different than or opposed to the constitution.”¹³ Since the highest ethical or moral justification of an act is that it promotes the interests of our state, there is no opposition, according to Hegel, between politics and morality; inasmuch as an action genuinely furthers the chief end of politics, the welfare of the state, it epitomizes morality even if it conflicts with morality in the more narrow, everyday sense.¹⁴ But on the other hand, the right of the state is not itself absolute; it is superseded by the right of world spirit. Though our obligation to the state is superior to our legal and narrowly moral obligations, Hegel claims that it is “subordinate to the supreme absolute truth of world spirit.”¹⁵ This right

¹¹ Wood (1990), p. 221. Wood means two things by this. The first is that ethical duties are conditional or can be overridden. The second is that ethical life itself is necessarily ultimately unsatisfying to reason and is an incomplete actualization of freedom. I am only challenging the first of these. For a further development of the latter point, see Dudley (2000), pp. 173–98.

¹² *PR* §258. ¹³ *TWA* 12:531 (my translation).

¹⁴ *PR* §337 R. The classic treatment of this issue is Rosenzweig (1962). See also the excellent chapter on Hegel in Meinecke (1957).

¹⁵ *PR* §33 A.

of world spirit, as Hegel puts it in another passage, is the only right which is truly “absolute in an unlimited sense.”¹⁶ It appears, then, that even if the right of state is the highest *ethical* justification for an act for Hegel, the highest *rational* justification of an act is that it furthers world history.

Wood employs this distinction between the right of the state and the right of world spirit in the following way. He insists that this absolute right of world spirit can be asserted against the right of the state in circumstances when one ethical order is beginning to be seen as limited and inadequate but no replacement for it has yet come into existence. In those cases, and only in those cases, the right of world spirit permits disobedience to the claims of a given ethical order even if this contributes to the demise of that ethical order. Since Hegel insists that our obligations to the existing ethical world are still morally binding in such cases, this absolute right must be understood as superseding ethical obligations entirely. Though such disobedience is ethically unjustified, it is not rationally unjustified; and the latter justification trumps the former. Echoing Kierkegaard and Nietzsche, Wood describes an action with this sort of justification as “beyond the ethical, beyond good and evil.”¹⁷

One way to soften Wood’s point, to remove some of the existential drama from his interpretation, would be to insist that the right of world spirit is only a right to disobey the norms embodied in current institutions insofar as one is in the process of building better ones. If that were all Hegel was saying, the right of world history would simply be the right to discard old moral practices in the process of adopting better ones. No right beyond good and evil would need to be invoked. Wood is right to point out, however, that world history does not progress in such a seamless way for Hegel. It is only in exceptional cases that one valid form of ethical life (like Roman republicanism) is transformed into a more rational alternative (such as imperial rule). More typically, world history moves in leaps and bounds: from one people hopelessly lost in decadence (like the late Byzantines) we move to another people who contain the seeds of a new, more rational order (the German barbarians, in this case). Wood concludes that when someone acts in the name of world history, that person is typically exercising a right to destroy that is temporally distinguishable from any right to create something better.¹⁸

¹⁶ *PR* §30 R.

¹⁷ Wood (1990), p. 223. In asserting this particular connection with the existentialist tradition, Wood is following a suggestion made by George Dennis O’Brien in O’Brien (1975), pp. 119–20.

¹⁸ Wood (1990), p. 224.

In what cases, then, does the absolute right of world spirit trump the claims of morality? Wood provides two examples. The first is that of the world-historical individual: leaders like Alexander of Macedon, Julius Caesar, and Napoleon Bonaparte. According to Wood, these leaders were justified in violating the only applicable ethical standards their actions could be judged by, those of their respective states, because they served the higher cause of advancing freedom even if that meant destroying the existing ethical order to make way for a new project they only dimly anticipated. Wood explicitly distinguishes this from the commonplace thought that "some of humanity's greatest benefactors have been criminals or evildoers."¹⁹ His claim is that these figures were rationally justified in doing what was immoral, not that what they did was unjustified but that good nonetheless came of it. To drive this point home, Wood compares what we have here to Kierkegaard's "teleological suspension of the ethical," with the qualification that it is world history, not God, that ultimately justifies the ethical crime.²⁰

Against any suggestion of a "teleological suspension of the ethical," Joseph McCarney has insisted that, for Hegel, no actual historical agent can know for certain that his actions will indeed further world history and thus that he is justified in disregarding ethical constraints. McCarney concludes that, for all practical purposes, we must act as if anyone who violates such norms is an "unredeemed villain."²¹ It would be wrong, though, to think that this is a decisive objection to the kind of account Wood is giving. What Wood insists on is only that *in principle* moral and ethical obligations may be rightly disregarded. Wood agrees that Hegel himself denies such knowledge to actual historical agents, insisting that they are only vindicated retrospectively.²² Such criminals may be considered unredeemed while they live, but they are not unredeemable. What Wood argues is that this admission opens the door to the possibility of fully self-transparent world-historical agency of the kind Marx attributes to the revolutionary class in late capitalism, not that Hegel himself walked through that door.²³

Wood's second example of a proper application of the right of world spirit to trump ethical obligations is perhaps even more scandalous, since it has a more general application and there are fewer obstacles to its being

¹⁹ *Ibid.*, p. 228. ²⁰ *Ibid.*, p. 232. ²¹ McCarney (2000), p. 118.

²² On this point, Wood understands the world-historical figure to be in a position similar to the position Bernard Williams assigns Gauguin: such individuals are only justified if they turn out to be successful, and that is beyond their control. See Williams (1981), p. 23.

²³ Wood (1990), p. 234.

self-consciously invoked by actual historical agents. According to Wood's Hegel, in periods of decadence, that is when there is a general perception that existing ethical norms and institutions lack a sufficient rational justification, "people are justified in turning away from their ethical duties. Vanity, selfishness, and the abandonment of ethical virtue constitute a *rational* mode of conduct."²⁴ In such cases of disillusionment, Wood says, "the ethical loses its right over the individual."²⁵ Wood is not claiming that some particular positive law might lose its right over a people as they come to recognize that it violates a higher ethical obligation, but that the ethical itself might entirely lose its rights. These individuals, he thinks, are freed from any ethical constraints whatsoever. To be sure, ethical life continues to make certain demands on them, but they have a good reason to reject those demands, to pursue their own selfish interest rather than the collective good.

Wood's interpretation thus represents a full-fledged defense of precisely that feature of Hegel's philosophy of history that most concerns his critics: the overriding of the situated ethical perspective by independent considerations of rationality made from an amoral world-historical point of view. This overriding occurs in cases where given norms or institutions are simultaneously ethically valid and yet known to be unjustified by reason. When that happens, Wood claims individuals are rationally justified in acting immorally and unethically. The two key examples of this are world-historical individuals and the disillusioned citizens of a decadent nation. The unethical actions of such individuals are justified by the absolute right of world spirit, which itself trumps any ethical claims that can be made on them.

Absolute rights and ethical obligations

Before we turn to Wood's chief examples of this phenomenon, though, it is worth asking whether Hegel typically understands absolute rights as considerations that override ethical considerations. This might give us a clue as to what Hegel means by speaking of the right of world spirit as absolute and unrestricted. Over the course of the *Philosophy of Right*, there are three examples Hegel gives of the proper application of absolute rights that might appear to justify unethical actions.²⁶ The first is that a slave has

²⁴ *Ibid.*, p. 235. Emphasis is mine. ²⁵ *Ibid.*, p. 224.

²⁶ I am leaving out, for example, the "absolute right of appropriation which human beings have over all things" (*PR* §44) and Hegel's claim that "the good" has an "absolute right as distinct from the abstract right of property and the particular ends of welfare" (*PR* §130) as clearly not germane. Neither of these indicates a supraethical right. In the former, one is appropriating things that no one

“an absolute right to free himself.”²⁷ The second “absolute right” is that of “heroes to establish states” even if that means committing acts of violence that seem wrong.²⁸ The third is an application of the second: it is the right of civilized nations to treat undeveloped nations as barbarian.²⁹

The case of slavery seems to offer a clear instance of the kind of claim Wood wants to attribute to Hegel. First, slavery is a perfect example of an institution Hegel believed was simultaneously valid when it occurred and known (by some) to violate reason. Second, only several pages after a statement about the historical validity of slavery, Hegel declares that it is nonetheless “of the nature of the case that the slave has an absolute right to free himself.”³⁰ It would be natural to interpret the second statement in light of the first, concluding that the slave has a right to free himself despite the fact that slavery is historically valid because the institution of slavery contradicts reason and justice.

There is a missing premise in this argument, though. One can see what the premise is by comparing what Hegel says about slavery (*Sklaverei*) with what he says about feudal serfdom (*Feudalherrschaft*). According to Hegel, both slavery and serfdom represent an irrational alienation of the personality; consequently, they are both unjust in themselves. Feudalism, however, is “a possible form of ethical life” and so for a time it is “necessary and just and ethical.”³¹ It follows from this that there is no absolute or unconditional right for the serf to free himself from his servitude; under some conditions, a bondsman is obliged to obey his master.

It is easy enough to see that the key difference between slavery and serfdom for Hegel is that the relationship between the slave and his master is not an ethical relationship; the master and the slave do not share any form of ethical life at all. So for Hegel, it is not the case that the absolute right to free oneself trumps the obligation to obey your master, for the slave has no obligation to obey his master under any circumstances.³² That slavery was valid for a time, which Hegel clearly indicates, implies not that slaves had any obligation to remain slaves, but only that there was no guilt

has any claim to. In the latter, Hegel is speaking specifically about our highest moral justification for acting, which is superior to claims of mere legality or private welfare.

²⁷ *PR* §66 A. ²⁸ *PR* §350. ²⁹ *PR* §351. ³⁰ *PR* §66 A.

³¹ *NL*, 481. The same point is made in Hegel’s *Lectures on Aesthetics*. There Hegel characterizes the rights of Russian masters over their serfs as “the unrighteous right of barbarism” but insists that “[t]he legality on which the subject [here: the master] relies is to be respected and justified for his time and its spirit and level of civilization” although “for us” it is “without validity or power” (*HA* 1:212; *A* 1:210).

³² To this extent, Hegel agrees with Rousseau and Mill that the very status of slavery is self-contradictory.

in being a master. Roman laws of property, as I said before, were legitimate for the Romans despite their intrinsic injustice. Slaves themselves, however, exist outside of ethical life as Hegel conceives it and cannot be said to have any obligations whatsoever. The relationship between serf and lord is importantly different since it occurs within a certain form of ethical life, however defective, and so is under certain circumstances ethically binding on both parties.³³

Indeed, the slave's situation, according to Hegel, is even worse than this, for to be a slave is not only to have no duties, it is also to have no rights.³⁴ The slave's absolute right to free himself, then, is a right with a peculiar, almost paradoxical status: it is, to use Arendt's phrase, a right to have rights. In this respect, the absolute right to free oneself from slavery is just like the imperative to exit the state of nature mentioned at the end of Chapter 2; this imperative could not be understood as an ordinary moral or ethical obligation because it is only by exiting the state of nature that we become creatures who are under moral or ethical obligations at all. In both cases, what we are struggling to conceptualize is the kind of rational justification that can be accorded to those acts by which someone becomes a bearer of rights and duties in the first place. The slave has an absolute right to free himself in the sense that no one can rightfully stop him from doing this, from becoming a right-bearing individual, but it is only after he has done so that attempting to enslave him counts as wronging him, as a violation of his rights.

Two points here are worth underlining, since they will recur in our consideration of the following cases. First, the absolute right to free oneself from slavery does not contravene any ethical obligations, for the slave is under no ethical obligations, period. Second, when there are possibly contravening moral or ethical obligations, as in the case of feudalism, there is no mention of an absolute right to free oneself; just the opposite: in these cases Hegel insists on the possible legitimacy of one's duties of service. A serf ought to obey his lord until the historical circumstances that made serfdom appropriate have dissolved, but a slave is never under even a temporary obligation to his master.

The second case where Hegel speaks of an absolute right is in the case of the "right of heroes [*das Heroenrecht*] to establish states," a right that is

³³ This naturally raises the question: Under what circumstances does a law or norm lose its authority? Hegel's ultimate position is established at a fairly early stage in his development: a given law becomes merely positive when it no longer expresses the *ethos* of a people. I return to the question of how we make this judgment in the section beginning on p. 189.

³⁴ *PR* §§155 A and 261 R.

justified because of the “absolute right of the Idea to make its appearance in legal determinations and institutions.”³⁵ This, of course, seems to point directly to the most famous example of world spirit trumping the claims of the ethical: the world-historical individual, to which we will turn in the next section. Hegel, however, clearly differentiates between heroes in the strict sense and world-historical individuals. Heroes are not necessarily more virtuous than world-historical figures; sometimes, with heroes like Moses, the founding of a state might appear to be done “as divine legislation of a beneficial kind” but just as easily, as in the case of Romulus, the founding of the state can be a matter of “violence and wrong.”³⁶ The important difference between heroes like Moses or Romulus and world-historical individuals like Caesar or Napoleon is that the former exist in a state of nature whereas the latter exist within some state or other.

Since the state of nature is a condition of innocence according to Hegel, the right of heroes cannot be construed as a right to contravene any moral or ethical obligations since no actual obligations exist there. What the right of heroes permits is anything that might make it possible to make an exit from the state of nature and enter into ethical relationships. For Hegel, this requires the establishment of those institutions, like marriage and agriculture, which are crucial for the formation of states. Hegel emphasizes that the introduction of these institutions cannot be something heroes had a recognized right to do, since right itself presupposes these institutions. Once such an ethical existence has been created, though, Hegel is clear that any violence that occurs within the state is something for which the agent can be held morally responsible.³⁷ Consequently, “within the state heroes are no longer possible.”³⁸

The same two points can be made about the right of heroes that were made about the right to free oneself from slavery. First, the right of heroes does not contravene any existing ethical obligations. Heroes only exist in the state of nature and, according to Hegel, there are no ethical obligations, no rights or duties, in the state of nature. Second, there is no mention in the *Philosophy of Right* of anything analogous to a right of heroes that would pertain to world-historical individuals; in fact, Hegel suggests that any violence within an existing ethical condition is a moral wrong.

The third and final case where Hegel mentions an absolute right to do something refers to the actions of states and not to those of individuals. He says that the same consideration that justifies the right of heroes “entitles

³⁵ *PR* §350.

³⁶ *Ibid.*

³⁷ *PR* §93 R.

³⁸ *PR* §93 A.

civilized nations to regard and treat as barbarians other nations which are less advanced than they are in the substantial moments of state.”³⁹ His examples clearly identify “uncivilized nations” as those which lack the most primitive conditions of ethical life, like agriculture. His wording, however, is much more general, seeming to indicate that, say, nineteenth-century England could invoke an absolute right to occupy and civilize nineteenth-century India, which Hegel considered a significantly less advanced nation.⁴⁰ Is this, finally, an example of an “absolute right” overriding ethical or moral considerations?

Whatever the ambiguities of the *Philosophy of Right*, the issue is definitively resolved in the Introduction to his *Lectures on the Philosophy of World History*. Hegel there distinguishes the principles that govern the relations of independent nations, like treaties and considerations of state, from the “absolute right of world spirit.”⁴¹ Though independent states can of course appeal to things like treaties to justify their actions against other states, Hegel is emphatic that the absolute right of world spirit is a right to which no such state can appeal against another state. Although such a right is often invoked in wars of religion, the absolute right of world spirit is only rightly invoked when “civilized nations come into contact with barbarian hordes.” The absolute right can be asserted here because a stateless people has no ethical standing according to Hegel. Reason itself demands that such a people be brought into civilization and incorporated into ethical life. This is why the right of world spirit follows from the same principle as the right of heroes: both are involved in bringing ethical life into existence in a place where there was none before. Although this offers a potential justification for certain forms of colonialism, the British occupation of India would certainly not qualify.

So even in the case of nations, the absolute right of world spirit applies only in cases where there are no existing ethical obligations to be overridden; it never trumps ethical obligations. Once such obligations exist, even in the comparatively weak form of normal relations between independent countries, Hegel says the right can no longer be invoked.

We have now surveyed the three specific cases where Hegel thinks an absolute right can be invoked to justify a course of action that might appear unethical. What all instances have in common is that they take place in the total absence of any countervailing ethical obligations. That is, they all concern the right to enter into the moral space of reasons, not to exit it, or exempt oneself from it. None of these cases provides any support,

³⁹ *PR* §351.

⁴⁰ See *PR* §281.

⁴¹ *LPWH*, 124; *VG*, 147.

then, for the thesis that the absolute right of world spirit implies a teleological suspension of the ethical. They imply, to the contrary, that absolute rights can only be invoked in a kind of normative void and are inapplicable in circumstances where ethical obligations or rights of personhood are already in place. Now I want to turn to the careful consideration of the two supposed cases of amorality that commentators have identified in Hegel. My aim here is to show that, in treating these cases, Hegel carefully distinguishes between the ethical and world-historical evaluation of actions, neither conflating them nor allowing the latter to override the former.

The world-historical individual

For Hegel's critics, the chief example of amorality in Hegel's thought is the world-historical individual. This sort of interpretation of the world-historical individual is neither implausible nor rare; it exploits a number of well-known passages from the Introduction to Hegel's *Philosophy of World History* that, as Joseph McCarney has put it, have an "air of heroic immorality."⁴² On the one hand, Hegel clearly asserts that world-historical individuals "did indeed treat other intrinsically admirable interests and sacred rights in a carefree, cursory, hasty, and heedless manner, thereby exposing themselves to moral censure."⁴³ On the other hand, Hegel also insists that such agents have absolute right on their side and so should be viewed in another light. He says they "are the most far-sighted among their contemporaries; they know best what issues are involved," adding that "whatever they do is right [*was sie tun, ist das Rechte*]."⁴⁴

As we have already seen, Wood takes these passages to imply exactly what Hegel's critics are concerned about, that world-historical individuals are "absolutely justified in their unethical conduct."⁴⁵ This is supposed to be different from the commonplace saying that their conduct was unethical but good nonetheless came of it, which no one would deny. What precisely is the difference? Both accounts indicate that what was done was morally wrong, and both admit that this action furthered some valuable cause in world history. What is different is that according to the commonplace view, the historical outcome has no relevance to the question of whether the individual was justified. According to the interpretation we are considering, however, historical considerations are relevant to the

⁴² McCarney (2000), p. 114.

⁴³ *LPWH*, 89; *VG*, 105.

⁴⁴ *LPWH*, 84; *VG*, 98.

⁴⁵ Wood (1990), p. 228.

assessment of individual actions. If an individual's actions furthered world history, if they made possible greater freedom in the world, the individual himself should be understood as rationally justified in his actions (even if such a justification is only available retrospectively).⁴⁶

Throughout his works, Hegel makes two quite different defenses of world-historical agents.⁴⁷ The first and more prominent of these is what appears to be a moral defense; it pertains to individuals like Caesar or Napoleon. Hegel claims that small-minded schoolteachers often attribute base motivations to such world-historical individuals, claiming that they accomplished what they did for the sake of personal ambition and not for their country. According to Hegel, however, this overlooks the fact that such a subjective motive is entirely justified when it is put in the service of an objectively necessary end. The value of their ambition is to be judged not formally, as if it were of the same value in a mayor and a great general, but with respect to its content. In the cases of these great individuals, the greatness of the content shows the ambition to have been meritorious. It is worth noting that this entire line of argument presupposes that it makes sense to morally evaluate the actions of world-historical individuals.

Wood is concerned, however, with a second and more controversial defense of world-historical individuals, one that Hegel applies not only to great figures like Caesar and Alexander, but also to invaders like Tamerlane or Genghis Kahn, figures more infamous than famous. According to Hegel's second defense, the evils these figures committed have no significance from the point of view of world history. At the very least, this implies the commonplace view that whether a given action furthered world history is entirely independent from the question of whether it was ethical. As we have seen, Wood (like Hegel's critics) takes this to have the further and more scandalous implication that "great men have a justification for the crimes they commit which transcends the moral and ethical spheres altogether."⁴⁸ He interprets this second justification as opening the door to an amoral justification of action that trumps the moral and ethical condemnations these actions would otherwise warrant.

Wood's primary justification for this reading is a passage from the Introduction to the *Philosophy of World History* that appears to deny that

⁴⁶ This is clearly how Kierkegaard, for example, reads Hegel's doctrine of the world-historical figure. See, especially, *Concluding Unscientific Postscript*, which includes an extended critique of the idea that the historical outcome of an action could qualify its ethical value (Kierkegaard 1992, pp. 129–88).

⁴⁷ See Wood (1990), p. 229. ⁴⁸ *Ibid.*, p. 230.

it would be proper to apply moral categories to the actions of world-historical individuals. There Hegel says:

The deeds of the great men who are the individuals of world history thus appear justified [*gerechtfertigt*] not only in their inner significance (of which the individuals in question are unconscious), but also in a this-worldly [*weltlichen*] sense. But from this latter point of view, no representations should be made against world-historical deeds and those who perform them from moral circles to which they do not belong. The litany of private virtues [*Privattugenden*] – modesty, humility, charity, liberality – must not be raised against them.⁴⁹

Wood says this passage shows that when dealing with world-historical individuals, philosophic historians should not make moral or ethical judgments at all, since moral blame is voided by historical greatness. Hegel goes beyond the commonplace position here because he appears to insist that the deeds of great men are not only justified in their inner sense – that is, justified in the world-historical sense – but *also* in their this-worldly sense. It looks as if Hegel is saying that the world-historical justification of an action invalidates or crowds out the normal ethical assessment of the action.

However, a closer look would show that the important contrast in this passage is not between world history and ethics. When Hegel says that great individuals should not be criticized from the point of view of “moral circles to which they do not belong,” he is not speaking of morality or ethics *per se*, but of the “private virtues,” and private is not a redundant adjective here. The direct implication is that world-historical individuals can and should be assessed according to their public virtues.⁵⁰ The highest moral obligation such an individual has, as we have already remarked, is to preserve and support his state. Indeed, it is according to this higher moral standard that Hegel himself assesses Caesar. He does not eschew moral judgment at all, but praises Caesar for recognizing that Roman ethical life was failing, that what was “right and proper” was the overthrow of the Republic in the establishment of empire even if this meant violating existing rights. Hegel’s point here is not that world history trumps morality, but that public virtues trump private virtues. This is why Hegel follows these sentences by reiterating his rejection of any “dichotomy between morality and politics.”

⁴⁹ *LPWH*, 141; *VG*, 71–72.

⁵⁰ For a classic treatment of this issue, see Troeltsch (1916), pp. 61–112.

This interpretation might seem at odds with the claim that precedes it:

Those who, on ethical grounds (and hence with a noble intention), have resisted what the progress of the idea of Spirit required, stand in *higher moral worth* [*moralischem Werte*] than those whose crimes have been transformed by a higher order into instruments of realizing its will.⁵¹

In passages like these, Hegel seems to indicate that there is a genuine conflict between the requirements of world spirit and those of the ethical, not that political virtues are of higher moral value than private virtues. There are two cases of this sort of conflict, though, that need to be carefully distinguished. These correspond to the two justifications of great men that were mentioned above. The first is evident in the conflict between Caesar and Brutus. This is a tragic conflict for Hegel. Both Caesar and Brutus were exemplars of virtue; both were acting conscientiously or according to a reasonable perception of what was in the interests of Rome. It is characteristic of tragic conflict that both sides of the conflict are, from the ethical point of view, in the right. Brutus's lack of insight into the true needs of Rome was not a culpable form of ignorance; it cannot be held against him. Conflict like this must be clearly distinguished from conflict between an invading conqueror, say Genghis Kahn, and those people who resisted him in the name of preserving the ethical life of their own nations. It is in this latter sort of case that it is unambiguously clear that those who resisted world history stand higher in "moral worth" than the figures who advanced it. In these cases, Hegel never suggests that the world-historical individual himself was individually justified in doing what he did.

So although world history moves on a higher plane than morality, transcending or superseding the ethical, this does not imply that the world-historical perspective offers an alternative supramoral justification for individuals or individual actions. When world-historical individuals are justified, like Caesar, they are justified on ethical grounds broadly considered. They are justified by what I earlier called the right of state. When they cannot be justified on ethical grounds, like Genghis Kahn, their world-historical importance does not remove or reduce their moral responsibility for their crimes. Hegel's statements about the world-historical importance of individuals like Genghis Kahn assert nothing more than the commonplace view that good consequences can follow from evil actions. In fact, Hegel thinks world history is so far from providing a

⁵¹ LPWH, 141; VG, 171.

justification for individuals, that it might just as well ignore individuals entirely, leaving them completely unmentioned. This makes one aspect of the division of labor between “this-worldly” or contextual justification and world-historical justification quite clear: the former treats the individual as a moment of the state, and the latter treats the state as a moment of world spirit. Despite its reputation, Hegel’s discussion of world-historical individuals provides no evidence that Hegel thought world-historical categories could be used in order to justify and excuse individuals. World-historical considerations simply do not have that function at all.

Decadence and morality

The second potential source for amorality in Hegel’s philosophy is his teaching concerning civilizational decline. Hegel believes that when a nation begins to reflect on the reasons for its practices, it can develop a consciousness of the limitations of those practices; it can think of reasons why others might be better. This can lead to a loss of confidence in the value of sacrifice for collective aims and a corresponding rise in action motivated by selfish or purely private ends. As we saw above, this is sometimes taken to mean that during such a period of disillusionment, ethical duties are no longer rationally binding on individuals despite still being formally valid. Since the individual can no longer see his ethical life as rationally justified, the individual in these circumstances is exempted from the ethical entirely, or so it has been claimed.

Hegel’s works in fact single out two possible responses to circumstances where ethical life appears to lack rational justification. The first is mentioned in the *Philosophy of Right*. There Hegel points to the example of Socrates, who found the actual ethical world “hollow, spiritless, and unsettled” and who was consequently permitted to flee from actuality and “retreat into his inner life.”⁵² Straightforwardly enough, in this case the individual in question is not released from the ethical entirely, but is to be judged according to his own private conscience (Socrates’s *daimon*) as opposed to public standards (the laws of Athens). It is the second response, then, that is crucial for our purposes. This is the option not of conscientious disobedience in the manner of Socrates but of rejecting moral constraints entirely, acting instead on the basis of exclusively private aims.

The key passage concerning this latter response is in the *Lectures on the Philosophy of World History* where Hegel describes the consequences that

⁵² PR §138 A.

follow from the inability to find reasons to justify given laws and customs. He says:

[M]en's ideas of virtue begin to waver, and the absolute is no longer regarded as valid [*gilt*] in its own right, but only insofar as it has reasons to justify it. At the same time, individuals gradually become isolated from one another and from the whole, selfishness and vanity intervene, and men seek to obtain their own advantage and satisfaction at the expense of the whole.⁵³

Now there are several places in Hegel's writings where he clearly indicates that it is difficult to comply with the ethical amidst general decadence, but Wood takes this particular passage to show something more. Reading the "absolute" as the ethical itself, Wood claims this passage shows that in decadent circumstances "the ethical loses its rights over the individual will."⁵⁴ In other words, as a consequence of the loss of any rational justification for the ethical, corrupt behavior itself becomes a rationally permissible course of action.

Against this perhaps ambiguous passage, one can set an unambiguous but less noticed statement that contradicts the thought Wood imputes to Hegel. In the context of a discussion of why we should hesitate to view ethical phenomena from the point of view of world history, Hegel states that from the ethical point of view, "the *responsibility* falls [*fällt der Schuld*] on the individuals themselves for any decline, corruption, or loss of religious and ethical values."⁵⁵ Not only does the inevitable corruption of ethical life not release individuals from the ethical; Hegel thinks individuals themselves are blamable for allowing that corruption to occur and for participating in it.⁵⁶ There is no hint of amorality here.

Hegel's treatment of decadence, like his treatment of the world-historical individual, provides no textual grounds to attribute any supramoral justification for unethical action to Hegel. Hegel consistently asserts that the "responsibility and value [*Schuld und Werte*]" of individuals is completely "untouched by the noisy clamor of world history," even those changes caused by "the absolute necessity of the concept of freedom as such."⁵⁷ In times of disillusionment, the private conscience can break away from the customary morality (as in the case of Socrates), but even in such cases, the terms of evaluation remain strictly ethical, even if the ethical is forced to take the attenuated form of "formal conscience" as in the case of Socrates.⁵⁸

⁵³ LPWH, 146; VG, 178. ⁵⁴ Wood (1990), p. 224. ⁵⁵ LPWH, 90; VG, 107.

⁵⁶ For further evidence, see Hegel's statement on the predicament of great individuals at the end of the Republic (TWA 12:377).

⁵⁷ LPWH, 92 (translation modified); VG, 109. ⁵⁸ See the remarks appended to PR §§137–138.

Historical and rational justification

Up to this point, I have provided a mostly negative argument against the thesis that the “absolute right of world history” overrides the perspective of a citizen situated within a given ethical horizon. I have shown that an “absolute right,” in Hegel’s use of the term, typically involves a right to enter into an ethical condition; it never involves overriding existing ethical obligations. I have also shown that the two most commonly identified examples of history trumping morality in Hegel (the world-historical individual and the decadent people) do not actually provide any support for that reading when they are properly analyzed. We started, however, with a worry that if this possibility of a supramoral justification for action was rejected, Hegel would be left with a fairly unpalatable response to the challenge posed by situations where rationality conflicts with what is taken to be right. Without some kind of world-historical escape clause, he would be forced to conclude that the individual must always defer to existing customs and institutions, no matter how irrational or unjust they seem. We have already seen enough to recognize that this way of putting things rests on a false alternative. The situated ethical perspective is not limited to stubborn deference to existing customs and positive law. In cases where a given form of ethical life becomes “hollow, spiritless, and unsettled,” it is possible that the right thing to do is to reject customary standards and retreat to your own private sense of right and wrong (as in the case of Socrates and the Stoics), or even, in very exceptional cases, to overthrow an existing regime in the name of a new ethical order (as in the case of Caesar). In both of these instances, I have argued, the justification available for breaking from what is generally taken to be valid at a particular time is itself ethical and this-worldly, not supramoral and world-historical.

In this section, I will provide a more constructive account of the relationship between these two perspectives, with particular attention given to the problem of how dissent from customary standards and positive law is possible from within the situated, this-worldly point of view. Many have agreed with Leszek Kolakowski that “Hegel’s thought on this fundamental point is beset by ambiguity,” that he has no clear account of how an individual could distinguish between those aspects of ethical life that are “hollow, spiritless, and unsettled” and those that are not.⁵⁹ Kolakowski argues that this explains the unresolved conflict between those who interpret Hegel as a kind of quietist and those who read him as the

⁵⁹ Kolakowski (1978), p. 79.

father of immanent critique. I will argue, however, that Hegel's ambiguity on this point is principled; it stems from Hegel's belief that the task of determining whether given norms are justified *for their time* is not a philosophic task at all. If this is right, neither of the interpretive options Kolakowski canvasses is appropriate: Hegel thinks criticism of the existing is possible and valuable (contrary to the quietist reading) but he denies this is a proper function of philosophic discourse (contrary to those who read him as a critical theorist *avant la lettre*).

To see how Hegel arrives at this division of labor, it is useful to start by delineating the several ways in which norms, institutions, and so on are evaluated by Hegel; they can be valid, appropriate, or rational. These correspond to three forms of judgment: historical explanation, historical justification, and philosophic justification. I hope to show that these three forms of judgment involve distinct issues; that it is the second and third that correspond to the two perspectives we have been investigating; and that only the third form of judgment is properly philosophical.

I will start with the issue of validity (*Gültigkeit*). What does it mean to say that a determination of right is valid (*gelten*)? Hegel's account of validity occurs in his various discussions of positive right.⁶⁰ A determination of right becomes valid (*gelten*) when it becomes positive law: when it possesses authority and is known publicly. Hegel thinks "what is right in itself" only gets binding force by becoming posited in external existence, so this positivity is not opposed to natural right but is a necessary condition for its actualization. The fact that right must become positive in order to be binding, though, does not guarantee that the content of positive laws, and so forth, will not differ from what reason strictly demands.⁶¹ In fact, Hegel thinks it is "customarily the case" that what is taken to be valid is

a blend of rational and contingent, arbitrary provisions; some of these derive from violence and repression or from the ineptitude of legislators, while some have been carried over from a more imperfect society into a more perfect, founded on a higher consciousness of freedom, the changes that have been made having been decreed singly and according to the needs of the moment, regardless of the coherence of the whole.⁶²

⁶⁰ The most important of these are *NL*, 116–33; *LNR*, 51–53 and 319–23; and *PR* §3, §§209–214. The evocative and detailed account of the relation between natural law and positive law in *NL* (published in 1802–03) is, of course, problematic as evidence for Hegel's mature opinions.

⁶¹ See *PR* §§210–212. ⁶² *LNR* §1.

Despite its quite imperfect rationality, however, Hegel thinks that positive law should “in general” be respected as an authority. (We will get to the exceptions in a moment.)

To determine whether a law is valid in this sense requires showing either that it was a duly enacted piece of legislation or that it can be deduced from such legislation. Such validity is a matter of historical fact; it requires no evaluation of the appropriateness or rationality of the law. The job of determining whether a given law is valid can thus be handled adequately by the historical sciences; in particular, the positive science of right. Hegel describes the prerogative of that science as involving “the duty to deduce in every detail from its positive data both the historical developments and the applications and ramifications of the given determination of right, and to follow up their consequences.”⁶³ This science oversteps its bounds, according to Hegel, only when it mistakes a historical explanation of a law or custom for a justification for it. When it stays within its proper bounds, however, there is no conflict between the historical and philosophic points of view, for the former simply “bears no relation whatsoever to the philosophical approach.”⁶⁴

These comments might lead one to think that the primary division of labor between the historical approaches to right and the philosophic treatment is that the former is limited to what is factually taken to be valid in a community and the latter has exclusive authority to determine whether norms are justified. That would oversimplify things, though. In the same passages where Hegel is criticizing these overextensions of historical explanation (*geschichtliche Erklärung*), he indicates that historical considerations also have a proper role in the justification (*Rechtfertigung*) of norms:

With regard to the historical element in positive right, Montesquieu stated the true historical view, the genuinely philosophical standpoint, namely that legislation both in general and in its particular provisions is to be treated not as isolated and abstract but rather as a subordinate moment of *one* totality, interconnected with all the other determinations which make up the character of a nation and a time. It is in being so connected that the various laws acquire their true meaning [*wahrhafte Bedeutung*] and therefore their justification [*Rechtfertigung*].⁶⁵

Here and in the following discussion, Hegel fully endorses what I earlier called “ethical contextualism,” crediting Montesquieu with the insight.⁶⁶

⁶³ PR §212 R. ⁶⁴ PR §3 R. ⁶⁵ PR §3 R (translation modified).

⁶⁶ Hegel makes similar comments about Montesquieu in *NL*, 128–29 and *PR* §261 R. In the former, he specifically identifies Montesquieu’s achievement as showing that the “reason and common-sense and experience” from which laws arise are not *a priori* but are historically conditioned.

This is the view that the determinations of right should not be evaluated from an abstract standpoint, but need to be viewed within an actual historical and political context. From this point of view, the appropriateness or inappropriateness of a given law will heavily depend on historical factors like the character and development of an individual nation. Whether something is justified from this point of view depends not on its absolute rationality, but only on whether it corresponds to the living *ethos* of a people.⁶⁷ Such a judgment goes well beyond simply recognizing that a law is formally valid (in fact, this formal point of view itself is one of the abstract points of view Hegel praises Montesquieu for having transcended); yet it is clearly circumscribed by the specific historical horizon of the phenomenon being evaluated. If something satisfies this standard, Hegel thinks we can conclude that it is “necessary [*notwendig*] and just [*gerecht*] and ethical [*sittlich*]” – but only for its time.⁶⁸ Because of this Hegel is willing to concede that even the Indian caste system or the legal dominion of the Russian nobility over serfs can be given a historical justification. In such cases, “The legality on which the subject relies is to be respected and justified [*rechtfertigen*] for his time and its spirit and level of civilization, although for us it is through and through positive and without validity and authority.”⁶⁹

It is at this level that we can justify the actions of world-historical individuals like Socrates and Caesar. What such figures have in common is that they live in times when valid ethical determinations are losing their historical appropriateness and hence their authority. Both Socrates and Caesar showed remarkable insight into the hollowness and corruption of the forms of ethical life in which they lived; this is why Hegel identifies them, in a passage quoted earlier, as the most far-sighted among their contemporaries. Caesar, for example, recognized that after the Punic wars the republican system had become a sham, since all putatively public matters were being decided by eminent citizens acting on private motives. He rightly concluded that there was no longer any security in

Montesquieu’s limitation was that he did not “rise to the height of the most living idea,” that is, he lacked a proper notion of philosophic justification.

⁶⁷ Frederick Beiser marks the difference between what I am calling historical and philosophic justification by suggesting that Hegel’s philosophy of history operates on two levels: a horizontal level which takes into consideration “the specific circumstances of a nation, its economic, geographic, climactic, and demographic conditions” and a vertical level which judges individual nations according to world history as a whole (Beiser 1993, pp. 279–80).

⁶⁸ *LNR*, 128; *TWA* 2:524.

⁶⁹ *HA*, 212; *A* 1:210. Note that in this passage, Hegel is not using validity (*Gültigkeit*) in the purely positive sense I just identified.

the Republic, that Rome needed to be ruled by a single will. Hegel is clear that when Caesar came into conflict with the defenders of the existing laws of the Republic, he had the higher right on his side; he was only opposed by “merely a formal kind of justice, abandoned by the living spirit and by God.”⁷⁰ In these cases, world-historical figures are justified because of their deeper insight into the needs of their own nation; this, not a world-historical justification, is what permits their disobedience to the one-sided determinations of merely positive law.

Even historical justification can overstep its bounds, though, if it mistakes its verdict that certain determinations of right are appropriate and necessary for the times with a philosophic justification of those determinations. This would be to confuse a relative justification for an “in and for itself valid justification [*an und für sich gültige Rechtfertigung*].”⁷¹ As we have already seen in the case of Roman property laws, Hegel is emphatic that something may be “entirely grounded in and consistent with the prevailing *circumstances* and *existing* legal institutions” and yet “contrary to right and irrational in and for itself.”⁷² This shows that a given law or practice could be both valid *and* perfectly appropriate for its time and place without satisfying even the most modest demands of reason. To assess the rationality of a given determination of right, then, one must abandon the situated historical point of view and have recourse to philosophy, which is the only science capable of pronouncing on the rationality of determinations of right.⁷³ This requires abstracting from the particularities of any given historical situation, considering the state only in its concept or idea.⁷⁴ The difference between merely historical justification of a given determination of right and this kind of philosophic justification is that the former is circumstantial, being contingent on the existence of transitory circumstances, whereas the latter kind of justification is absolute, in that it rests only on the concept of freedom, explicitly abstracting from any specific circumstances which might make it unrealizable or inappropriate in a specific circumstance.⁷⁵ Given this difference, it is just as fallacious

⁷⁰ LPWH, 141; VG, 171. ⁷¹ PR §3 R. ⁷² Ibid.

⁷³ This suggests that effective immanent criticism of a society need not be philosophical; and specifically philosophical criticism need not be immanent to the horizon of the society being criticized. For a different view, see Buchwalter (1991), pp. 253–79.

⁷⁴ PR §258 A.

⁷⁵ It is sometimes claimed, on the basis of Hegel’s claims about philosophy being a child of its time, that Hegel thinks philosophic judgment is itself relative to a given historical period and hence incapable of transcending its context. Were this true, the contrast I am trying to establish here would be vitiated. For the case that Hegel is not a historicist in this stronger sense, see Page (1995), chapter 5.

to infer a norm's appropriateness from its rationality as it is to infer its rationality from its appropriateness. These determinations are categorically distinct.

They are not unrelated though. Hegel says that although historical judgment can itself determine the "wisdom [*Weisheit*] of what legislators and governments have done for the circumstances of their own time and laid down for the conditions under which they lived," its assessment of these matters will be all the more profound if it is "supported by philosophical insights."⁷⁶ This division of labor can help us understand why Hegel denies philosophy the function of issuing instructions to the world about how it ought to be. Although philosophy is fully capable of recognizing the rationality that is at the basis of actuality, the further question of whether our own circumstances ought to be reformed in the light of the idea requires a different kind of expertise. It requires a kind of practical wisdom or insight into the actual historical and social conditions of a nation. We need to know whether existing practices, however irrational, are currently serving an essential function within the state. When Hegel criticizes those who would prescribe an ought to reality, his complaint is not that they are wrong to do so (he says they "may very well be in the right") but only that they are wrong to think they are "operating within the concerns of philosophic science."⁷⁷

Conclusion

Hegel's synthesis of ethical contextualism and rationalist philosophy of history can thus be vindicated from the Kierkegaardian accusation that it involves a category mistake, permitting illegitimate inferences from historical significance to ethical justification. In fact, Hegel's position involves a careful demarcation of the respective authority of context-sensitive ethical judgment and universalistic philosophic judgment characteristic of world history. This division of labor is intended to do justice both to the infinite particularity of actual historical existence and to the absolute autonomy of philosophic reason. The cost of this solution, however, is that philosophy must accept that it is not independently capable of determining whether

⁷⁶ *PR* §3 R.

⁷⁷ *EL* §6 R. The same demarcation is made in the *Philosophy of Right* when Hegel says that the "infinitely varied circumstances" in which the rational comes into historical existence are "not the subject matter of philosophy." *PR*, 21; *TWA* 7:25. See the related discussion in Pippin (2008), pp. 267–69.

given norms are justified for us here and now. The question of what we are responsible for is thus ceded to ethical consciousness.

This might seem to substantiate another of Kierkegaard's well-known criticisms of Hegel: that his system lacks an ethics, giving no moral or political guidance to the actually existing individual. We can see that there is some justice to that accusation. Though Hegelian science is clearly capable of pronouncing on which ethical norms and political institutions are required by reason, nothing necessarily follows for our practice. As Raymond Geuss aptly puts it, Hegel's philosophy of history places him not *above* ethics (as Wood seems to claim) but in a certain sense *outside* ethics. Geuss is thus right to assert that there is "no direct movement from a speculative, philosophic warrant for the state to any interesting philosophically distinct answer to the question 'What ought I to do?'"⁷⁸ This is so, we have seen, because the historical justification of given institutions for a given nation is categorically distinct from the question of their absolute rationality. Geuss is wrong, however, to conclude from this that the only way to settle the question of what to do in some situation, or what you are responsible for, is to consult your local authorities.⁷⁹ The question of whether a given conventional determination of right is appropriate for its time is a matter of practical wisdom and historical insight. Accepting that it is not the philosopher's job to make such a determination need not amount to the claim that the question of what we ought to do, and hence what we can be held responsible for failing to do, can be settled by some authoritative fiat or by reference to what is taken as valid in the positive sense.

One way to mitigate the cost of Hegel's concessions to ethical contextualism would be to understand them as primarily motivated by his intellectual historicism. On such an interpretation, slavery was valid for the Greeks because they did not know better, but it is now wrong for everyone because that knowledge has become universal. If this were Hegel's position, it would follow that all existing non-European regimes lost their historical justification as soon as the Bastille was stormed or as soon as the general significance of this event was registered. Joachim Ritter has made exactly this sort of argument on Hegel's behalf, claiming that "[e]very present and future legal and political order must presuppose and proceed from the [French] Revolution's universal principle of freedom."⁸⁰ Hegel does not endorse such sweeping conclusions, however; to the contrary, he is content to observe that every nation has the constitution

⁷⁸ Geuss (2005), p. 50.

⁷⁹ *Ibid.*, p. 51.

⁸⁰ Ritter (1982), p. 52.

“appropriate and proper to it.”⁸¹ We can begin to explain this by pointing to the fact that even if someone has the outline of the rational state, that outline cannot be experienced as valid and authoritative by a people unless certain cultural transformations occur. These social and cultural conditions for the legitimacy of the rational state cannot be manufactured; they are a matter of the historical development of a collective consciousness. Hegel clearly thinks that a people needs to have already been formed by the modern world in order for specifically modern considerations of freedom to serve as compelling grounds for action, otherwise such considerations are abstract, a mere ought to be.⁸²

This implies that in modern states, the gap between historical justification and philosophic justification has effectively been closed. Indeed, Hegel characterizes the last stage of modernity as one in which all merely customary forms of morality are “valid no more [*gilt nicht mehr*]”; now, he says, “the various rights claims must legitimate [*legitimieren*] themselves as based on rational principles [*vernünftigen Grundsätzen*].”⁸³ It would appear that an institution or norm is valid or appropriate in modern states only if it is also rational, that there is no longer any acceptable room for self-conscious conflict between the two. This is certainly an important facet of Hegel’s teaching about modernity, but it is also important to notice what a geographically parochial achievement he thinks it is. Reason is authoritative, for Hegel, only to those peoples who have already accepted it as an authority, that is, to those peoples who have undergone the Reformation and developed a secular conscience, a conscience that accepts no sacred authority in political matters. In his day, Hegel thought this included Prussia, England, and (to some degree) France; it did not include Catholic Spain and certainly not the non-European world. For the former countries, reason is already authoritative. For the latter, Hegel has no advice to give; what they lack is not something that can be politically imposed on them, as Napoleon attempted with the Bayonne Constitution in Spain, but is a certain kind of collective social and religious transformation. This might seem to suggest that even if Hegel’s philosophy of history is true in theory, it is of no use in practice. Indeed, something like this charge is behind Habermas’s claim that Hegel was trying to somehow legitimate the French Revolution without legitimating revolutionary activity itself.⁸⁴

⁸¹ *PR* §274 R.

⁸² I take this to support Robert Pippin’s claim that “[rights] claims can only become practical reasons for individuals within and as a result of a certain form of ethical life” (Pippin 2008, p. 257).

⁸³ *TWA* 12:417. ⁸⁴ Habermas (1973), pp. 121, 128, and 138.

The more careful way to put the point, though, is that even if the philosopher of history can fully transcend his or her particular historical context, determining our actual obligations and responsibilities requires a non-philosophic kind of discernment that takes our actual historical context into account. In practical matters like these, even the philosopher with absolute knowledge must defer to the wisdom of the *phronimos*.

Concluding remarks

Charles Taylor once suggested that although Hegel's philosophy of spirit can be usefully treated from a variety of different perspectives, it is particularly illuminating to view it from the vantage point of his philosophy of action. This is so, he said, because Hegel's notion of spirit or mind (*Geist*) is nothing but thoroughgoing activity (*Tätigkeit*).¹ In the preceding chapters, however, I have argued that Hegel treats action (*Handlung*) as a very special form of spiritual activity, one with a distinguishing mark that has been overlooked both in Taylor's own work and in most contemporary attempts to analyze Hegel's theory of action. Hegel's category of action is not coextensive with spiritual activity or even with all subjectively meaningful behavior; action is restricted to those external expressions of our will for which we can be held responsible. I have argued that noting this stipulation puts us in a better position to understand two of Hegel's best known but most controversial claims about the sociality of action. First, we can see why Hegel thinks agency itself is a social status. This is so because we are only responsible for what we do insofar as we have rights as persons and duties as moral beings, but our rights and duties can only achieve actuality in the particular context provided by a law-governed state. Second, we can see in what sense Hegel thinks action itself is intrinsically social. It is social because it makes an implicit claim to be justified, and the truth of this claim, and so the scope of the agent's responsibility, cannot be determined apart from reference to the categories and standards taken to be valid within a given state.

If all of this is right, then action cannot be considered the master concept of Hegel's entire philosophy of spirit. Although action is certainly crucial to Hegel's philosophy of spirit, it is a part of the whole, not the very principle of the whole. It was the burden of my book to show that this more restricted notion of action is Hegel's own, and that recognizing this

¹ Taylor (1985a), p. 77.

fact illuminates much of what he has to say about action. But it might be thought that by directing my attention so exclusively to responsible action, I have erred in the opposite direction of Taylor's capacious and wide-ranging essay, and have risked missing the forest for a few, if perhaps very important, trees.

In these concluding remarks, I hope to return to the big picture by sketching the role that Hegel's theory of action plays in his philosophy of spirit. This will give me the opportunity to reiterate and consolidate my conclusions about Hegel's theory of action and to point to a systematic justification for the self-imposed limits of my account. My comments here take place at a higher altitude from Hegel's text than it is generally safe to fly. They are only intended to provide enough of an outline of the philosophy of spirit to see where his theory of responsible action fits in, and point to where other related, but different, issues related to human activity are addressed.

The idea that we need a distinct philosophy of spirit is, of course, not unique to Hegel. Like many others in the German philosophic tradition, Hegel thinks the human sciences, the *Geisteswissenschaften*, cannot proceed with the same methodology that are appropriate to the study of mere things or the behavior of other living beings. Hegel's philosophy of spirit is his own account of the categories that are necessary to do justice to the unique character of human activity.

We can see what Hegel thinks is unique to human activity by looking at how he defines spirit as such. In one characteristic passage, he says: "Spirit is essentially only what it knows itself to be" (*PM* §385 Z).² This is, of course, fairly gnomic on its own, but the basic idea being expressed is one I introduced in [Chapter 2](#): it is the idea that spirit determines its own existence by conceiving of itself in certain ways. What Hegel thinks is most characteristic of human existence, in other words, is that it is reflexively self-constitutive.³ He thinks distinctively human activities, like thinking or action, cannot exist as such apart from the knowledge that one is engaging in them. This knowledge is an essential part of what they are. To use a simple example, I cannot make a promise without knowing that I am making a promise; this knowledge is required for some behavior to count as promising and it plays a certain role in explaining that behavior. In these respects, promising is unlike, say, digestion, which is something I can do without any knowledge at all of what I am doing. Spiritual categories, for

² "Der Geist ist wesentlich nur das, was er von sich selber weiß" (*TWA* 10:33).

³ Neuhauser (1990), p. 168.

Hegel, are nothing other than forms of reflexive self-constitution. They are required to explain human activity because he thinks human activity is incomprehensible and inexplicable apart from the self-knowledge that human agents have of what they are doing and what they are.

Hegel himself often speaks of reflexive self-constitution in the more characteristically Fichtean language of self-positing. This has suggested to some that Hegel thinks spirit, like Fichte's subject, can give itself its own nature (*Natur*) or essence (*Wesen*). Robert Brandom, as we saw in [Chapter 1](#), reads Hegel along just these lines. According to Brandom's Hegel, spiritual beings are those that have a history rather than a nature: or, to be more precise, their nature is nothing but what they have made of it over the course of time.⁴ But this reading misses something quite crucial to Hegel's full account of spirit. For Hegel, all spiritual beings, and all spiritual activity, have the exact *same* original essence or nature. Spirit's essence is freedom in the sense of reflective self-constitution. What differentiates one shape of spirit from another is just a different degree of self-knowledge of what it means to be spirit.

The significance of this point can be made clearer if we turn our attention to the structure of Hegel's *Philosophy of Spirit* as a whole. Hegel's *Philosophy of Spirit* is divided into three subdivisions or stages: Subjective Spirit (which covers anthropological, phenomenological, and psychological matters), Objective Spirit (which covers political, moral, and ethical phenomena), and Absolute Spirit (where he deals with art, religion, and philosophy). Once we recognize that reflexive self-constitution is the nature or essence of spirit throughout all of its various forms, we can see two things. First, we can see that these three basic spheres of spirit are differentiated according to the degree to which they require awareness of spirit's nature or essence. Second, we can see that these different degrees of self-consciousness correspond to different, increasingly stronger senses in which spirit could be said to be the product of itself.

In Subjective Spirit, Hegel treats phenomena that are self-constituting without being fully aware of that fact. Under this category, we find an extensive range of mental and psychological activities: feeling, sensation, consciousness, thinking, willing, and so forth. Willing is treated at the end of Subjective Spirit because here spirit begins to realize that it is "the author of its own conclusions, the origin of its self-fulfillment" (*PM* §469). As we saw in [Chapter 1](#), willing is reflexively self-constitutive in the sense that it could not exist as such apart from a mind that is aware of acting

⁴ Brandom (2007).

upon some end. But we also saw that willing does not require fully adequate self-knowledge of this: in willing, I only need to know that what I am doing is up to me in the sense that it is determined by whatever end I have adopted. I do not need to be aware that I am free in the sense of being capable of deriving ends from something other than my natural inclinations. When I will something in this way, my act is certainly self-determined, but it is so only in a formal sense since the content of what I willed was not up to me, but was provided by nature.

In Objective Spirit, Hegel is concerned with phenomena that require a greater degree of self-knowledge. The achievement of this gives rise to a correspondingly stronger sense of spiritual self-determination. We can see what the distinction between subjective and objective spirit amounts to by recalling the difference between willing and action proper that is described in [Chapter 3](#). Although the conditions of willing are satisfied when I act on any end I might have, for action in the proper sense (responsible action) I must know that I am capable of acting on ends provided by my freedom itself. To be capable of action, then, I must have a particular self-conception: I must know that I am free, subject to right (*Recht*) as the “body of all the conditions of freedom” (*PM* §486). When I act in accordance with right, my act is not only the product of my will in a formal sense, it is also a substantive expression of my freedom since the very content of what I will is provided by spirit. The requirement that this knowledge of our freedom be present is what distinguishes the human activities that fall under objective spirit – legal, moral, and ethical actions – from those that fall under subjective spirit.

Although objective spirit marks an advance over subjective spirit, Hegel thinks it nonetheless presupposes a limited and incomplete notion of what spirit is. For even in objective spirit, spirit is understood as finite, as opposed to some other element or medium in which it must express itself. If I am going to play a game of tennis, to pick a trivial example, this presupposes an external world which has tennis courts and that there are other agents who might agree to play against me. Playing tennis is a finite activity because it is unintelligible on its own, outside a world in which my intention to play tennis can be realized. Hegel admits that we do not normally think of such finitude as a defect of action so much as its enabling condition.⁵ Indeed, it might be thought that the only available contrast to such finite activity is a theological one: the idea of God intervening in a world he himself has created.

⁵ See *PM* §386 Z.

In Absolute Spirit, however, Hegel explores forms of human activity that he thinks do not have this defect or limitation, forms in which we participate in some secular equivalent of divine action (though Hegel does not hesitate to use traditional theological language to describe it). Hegel claims that the contemplation of art, religious worship, and the activity of philosophy itself all fall under this category; they are non-finite forms of human activity. In artistic, religious, and philosophic practices, we represent spirit to ourselves as infinitely self-determining, as lacking “an out-and-out other [*ein durchaus Anderes*]” (*PM* §377 Z). Although they often depict this infinite spiritual activity as external to human life, in them we transcend our own finitude and realize our ultimate unity with this activity, an activity that is not circumscribed by nature and history but which can be said to constitute and determine all reality. In these activities, particularly in philosophy, spirit finally comes to full self-knowledge as to what it is.

What can be learned from seeing how Hegel’s concept of action is intended to fit within this rather ambitious and extraordinary project? We can see that action must be clearly distinguished both from its *terminus a quo* in subjective spirit, and its *terminus ad quem* in the activities of absolute spirit.

As to the former, it can be said that although responsible action presupposes the psychological capacities described in Subjective Spirit, it is categorically distinct from these insofar as it also requires knowledge that we are free, subject only to those norms that are the basic conditions of our own freedom. It is because Hegel thinks those norms of right are only valid and actual in the ethical condition of a state that he thinks action is intrinsically social. Hegel’s claims about the intrinsic sociality for action, then, do not imply anything about the more basic forms of human activity that are described in Subjective Spirit, since those do not presuppose any appeal to norms of right at all. In particular, his argument is overextended when it is used to make a case that we cannot act on any intention at all except under certain social circumstances.

The upper boundary of Hegel’s philosophy of action, its *terminus ad quem*, is best illustrated by world-historical actions. Hegel characterizes such actions as representing the intersection between objective spirit and absolute spirit. From one point of view, the achievements of world-historical agents are actions in the proper sense, and world-historical agents can be held responsible for them. But at the same time these achievements can also be considered as participating in the deed of world spirit itself – and from this latter point of view, there is no distinction between the deed

and the world in which the deed is to take place.⁶ I have tried to clear up some of the ambiguities generated by this picture in [Chapter 5](#), though without pursuing the nature of Hegel's claims about the deed of world spirit. This aspect of Hegel's philosophy of spirit has, to put it mildly, no clear analogue in contemporary philosophic approaches to action. Although it anticipates some functionalist arguments that have been made about unintended consequences of our actions in sociological theory, it is not hard to understand why Hegel's apparently *a prioristic* version of the argument has failed to attract many defenders.

In the previous chapters, I have attempted to reconstruct the argument by which Hegel takes us from a merely psychological or morally neutral conception of willing to an intrinsically normative and social conception of action. It should be clear by now that this is not the end of the story for Hegel. He thinks responsible action points us to a higher form of human activity, one that is rightly categorized as infinite or divine. But it should also be clear that his philosophy of action is relatively independent of these further developments, and that this might be the end of the story for us.

⁶ See *PM* §549 and also the interesting discussion of Caesar in *PM* §381 Z.

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